

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, September 11, 2001
Tuesday, 9:01 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present.

Chris Cherches, City Manager; Doug Moshier, Senior Assistant Senior Attorney; Pat Burnett, City Clerk; present.

Rev. Charlotte Prossen, Unity Church of Wichita gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved The Minutes of the regular meeting of August 21, 2001, were approved 7 to 0.

AWARDS AND PRESENTATIONS

SERVICE CITATION Distinguished Service Citation was given.

PROCLAMATIONS Proclamations previously approved were presented.

PUBLIC AGENDA

Sam W. Kelso - Citizens on Patrol.

Sam W. Kelso Sam Kelso spoke regarding his conflict with the Police Department, 9-1-1 dispatchers, and Sheriff's deputies. Mr. Kelso said he had been refused the right to make a report regarding a camera stolen from his residence. He also had been charged with theft of quarters he found on a table. He said the quarters were taken for bus fare.

NEW BUSINESS

PRESBY. MANORS ISSUANCE OF HEALTH CARE FACILITIES REFUNDING REVENUE BONDS – PRESBYTERIAN MANORS, INC.

Allen Bell Financial Projects Director reviewed the Item.

Agenda Report No. 01-0967.

On August 7, 2001, City Council approved a six-month Letter of Intent to issue Health Care Facilities Refunding Revenue Bonds in the amount not-to-exceed \$25,000,000, to Presbyterian Manors, Inc ("PMI"). The bond proceeds will be used primarily to refinance currently existing debt and pay costs of issuance. A small portion of the bonds will be used to construct improvements and acquire equipment for the PMI facilities in Kansas. The company is now requesting the City to issue its Health Care Facilities Refunding Revenue Bonds in the amount not-to-exceed \$25,000,000.

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In 1990, the City Council issued refunding and improvements revenue bonds to Presbyterian Manor, Inc., a Kansas not-for-profit corporation, to finance or refund previous financing on facilities throughout Kansas. Through a series of interlocal agreements, the City of Wichita has agreed to serve as a "host" bond issuer in order to facilitate consolidated financings of PMI facilities located throughout Kansas.

PMI has twelve retirement community facilities serving Kansas, 765 licensed intermediate care (IMF) and skilled nursing (SNF) beds to provide service and health care for Kansas' older adults. Its Kansas facilities have over 1 million square feet of various types of living and health care space on 143 acres of Kansas land. PMI employs 1,155 individuals in Kansas including 21 employees at their corporate headquarters and 92 employees at its 139,400 square foot retirement community in Wichita. PMI serves over 1,700 senior adult residents in Kansas and Missouri.

An estimated analysis of the uses of project funds is:

USES OF FUNDS

Amount needed to refund outstanding bonds	\$19,190,495
New money capital project	180,100
Debt service reserve fund	2,201,500
Costs of issuance including underwriters discount	500,000
Contingency for original issue discount and other potential costs	<u>2,927,905</u>
Total cost of Refinancing Project	\$25,000,000

Ziegler Capital Markets Group, in Chicago, Illinois, has agreed to underwrite the bonds. The firm of Hinkle Elkouri Law Firm, L.L.C., serves as bond counsel in the transaction. Presbyterian Manor, Inc., is in compliance with the Standard Conditions contained in the City's IRB Policy.

Presbyterian Manor, Inc., agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Presbyterian Manor, Inc., does not request a property tax abatement in conjunction with the IRBs.

Bond documents needed for the issuance of the bonds have been prepared by bond counsel. The City's Attorney's Office will review and approved the form of bond documents prior to the issuance of any bonds. The public hearing held in conjunction with this item satisfies the TEFRA Hearing requirement in the federal tax code for tax-exempt bonds.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Brewer moved that the public hearing be closed and first reading of the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Health Care Facilities Refunding Revenue Bonds to Presbyterian Manor, Inc., in an amount not-to-exceed \$25,000,000 be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas to issue its Health Care Facilities Refunding Revenue Bonds, Series VIII-A, 2001, Series VIII-B, 2001 and series VIII-C, 2001 (Presbyterian Manors, Inc.) in the aggregate principal amount of not to exceed \$25,000,000 for the purposes of refunding certain outstanding City of Wichita, Kansas, bonds and paying the cost of renovating and equipping certain health care facilities; prescribing the form and authorizing execution of a seventh supplemental bond indenture by and between the City and Intrust Bank, N.A., as Bond Trustee; prescribing the form and authorizing the execution of a Sixth Supplemental Lease Agreement by and between Presbyterian Manors, Inc. and the City; approving the form of the Guaranty Agreement to be executed in connection with the issuance of said bonds; authorizing execution of a Tax Compliance Agreement by and among the Issuer, the Bond Trustee and Presbyterian Manors, Inc.; authorizing execution of an Escrow deposit agreement by and among the issuer, Intrust Bank, N.A., as Escrow

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Trustee, and Presbyterian Manors, Inc.; approving the form of the remarketing Agreement to be executed in connection with the issuance of the Series VIII-B, 2001 and Series VIII-C 2001 Bonds; and authorizing the execution of a Bond Purchase Agreement by and between the City, Presbyterian Manors, Inc. and B.C. Ziegler and Company, as underwriter of the Bonds, introduced and under the rules laid over.

NEWMAN UNIV.

ADVANCE REFUNDING OF BONDS – NEWMAN UNIVERSITY. (District IV)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 01-0968.

On September 14, 1999, City Council approved the issuance of \$11,350,000 of Educational Facilities Revenue Bonds for Newman University for the purpose of financing the construction of a new residence hall, maintenance facility, sports and fine arts complex, renovation of a food services facility, reimbursement for capital expenditures and retirement of certain existing debt. On March 27, 2001, City Council approved an Ordinance authorizing the execution of an interlocal cooperation agreement with nine other member cities which created the Kansas Independent College Finance Authority ("KICFA") and authorized KICFA to issue Bonds on behalf of these cities to finance private independent colleges located within each member's corporate limits, including Newman University.

In order to achieve interest cost savings, extend the repayment period and balance cash flows, Newman University has requested that KICFA refund the 1999 Wichita Bonds and issue new bonds in their place. KICFA and Newman University have requested the City approve the refunding of the 1999 Wichita Bonds, the issuance of not to exceed \$10,700,000 in KICFA Refunding Bonds (the "KICFA Bonds") and enter into an Escrow Trust Agreement for the purposes of holding the money necessary to pay all the 1999 Wichita Bonds.

City of Wichita approval of the KICFA transaction is required because the proceeds of KICFA bonds will be used to refinance City of Wichita bonds. In addition, since the KICFA bonds will be federally tax-exempt, the Federal Tax Code requires that a public hearing be held by a "local authority." Since KICFA was established by interlocal agreements between several cities, each city retains its status as local authority for the purpose of satisfying the federal public hearing requirement.

The proposed refunding is being made in advance of the call date on the 1999 Wichita Bonds, so proceeds from the KICFA Bonds would be deposited in an Escrow Trust Fund sufficient to pay all the 1999 Wichita Bonds until they can be completely redeemed and paid on October 1 2006. No new projects or improvements are contemplated in connection with the KICFA Bonds. An independent accountant will verify the adequacy of the Escrow Trust Fund to completely pay the 1999 Wichita Bonds when due.

Pending issuance of the KICFA Bonds, Hinkle Elkouri Law Firm L.L.C. will render an opinion to the City that the 1999 Wichita Bonds have been completely defeased. Newman University has selected Triplett, Woolf & Garretson to serve as bond counsel to KICFA in the transaction and Davidson Securities, a division of Gold Capital Management, Inc. to underwrite the KICFA Bonds. Newman University agrees to continue to comply with the Standard Conditions contained in the City's IRB Policy.

Newman University agrees to pay the costs of the opinion of Hinkle Elkouri Law Firm that the 1999 Wichita Bonds have been defeased, as well as all other costs of issuing the KICFA Bonds.

A public hearing and approval by the City Council is required in order for interest on the KICFA Bonds to be exempt from federal income tax. The Resolution approving the issuance of the KICFA Bonds and the Escrow Trust Agreement needed to defease the 1999 Wichita Bonds has been prepared by Triplett, Woolf & Garretson, bond counsel for KICFA. The City Attorney's Office will review and approve the form of Resolution.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

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Motion --

Gale moved that the public hearing be closed; the Resolution approving the issuance of the KICFA Bonds, including the Escrow Trust Agreement, be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

RESOLUTION NO. 01-356

A Resolution approving the issuance by the Kansas Independent College Finance Authority of not to exceed \$10,700,000 educational facilities refunding Revenue Bonds, Series 2001 (Newman University) for the purposes of refunding and defeasing certain outstanding City of Wichita, Kansas, Educational Facilities Revenue Bonds, Series IX, 1999 (Newman University) and prescribing the form and authorizing the execution of an Escrow Trust Agreement by and between the City, the Kansas Independent College Finance Authority, Commerce Bank, N.A. and Newman University, presented. Gale moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

KS BLUE PRINT IRB ISSUANCE OF INDUSTRIAL REVENUE BONDS – KANSAS BLUE PRINT, INC. (District I)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 01-0969.

On October 3, 2000, City Council approved a one-year Letter of Intent to issue Industrial Revenue Bonds in an amount not-to-exceed \$2,000,000, to Kansas Blue Print, Inc. City Council also approved a 7-year, 70 percent, property tax exemption on bond-financed improvements. The bond proceeds will be used to finance the cost of acquiring, constructing and equipping its expanded plant facility. Construction of the new facility, located at the corner of Kellogg and Broadway, is now nearly complete and the company is requesting the issuance of Industrial Revenue Bonds at this time.

Since the issuance of the Letter of Intent, Kansas Blue Print has changed its name to KBP Reprographics, Inc. KBP Reprographics has decided the bond-financed property should be held Jerry A Sims, L.L.C., and subleased to KBP Reprographics. Therefore, the Tenant in the IRB documents will be Jerry A Sims, L.L.C.

KBP Reprographics is a printing and copying business. The Company's reprographics division serves the needs of architectural, engineering, manufacturing, retail, legal and advertising firms. The company also produces the City of Wichita map and maps for the petroleum industry, which include landowner maps for the State of Kansas.

Kansas Blue Print currently has a total of 32 employees and has committed to hire at least 12 new employees in Wichita over the next four years. Kansas Blue Print is evolving into a highly technical operation as digital printing and computers replace many of the older process. The new 15,000 SF facility will be 50% larger and will be located within the downtown area.

An analysis of the uses of project funds is:

USES OF FUNDS

Land	\$ 190,000
Building	1,500,000
Equipment	250,000
Costs of Issuance	25,000
Miscellaneous	<u>35,000</u>
Total Cost of Project:	\$2,000,000

KBP Reprographics plans to privately place the bonds with INTRUST Bank. KBP Reprographics has complied with the City's requirements contained in the Standard Letter of Intent Conditions.

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KBP Reprographics, Inc. agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds.

Bond documents needed for the issuance of bonds will be prepared by bond counsel. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Brewer moved that the public hearing be closed; the Letter of Intent be reinstated; the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount of \$2,000,000 be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

ORDINANCE

A Ordinance of the City of Wichita, Kansas, authorizing the issuance of \$2,000,000 aggregate principal amount of taxable Industrial Revenue Bonds, Series VII, 2001 (KBP Reprographics, Inc.) for the purpose of providing funds to purchase, acquire, construct and equip a commercial and manufacturing facility; prescribing the form and authorizing execution of a trust indenture by and between the city and Intrust Bank, N.A., as Trustee with respect to the bonds; prescribing the form and authorizing the execution of a Lease Agreement by and between the City and Jerry A. Sims, L.L.C.; approving the form of a Guaranty Agreement; approving the sublease of the project to KBP Reprographics, Inc.; authorizing the execution of a Bond Placement Agreement by and between the City, Jerry A. Sims, L.L.C. KBP Reprographics, Inc. and Intrust Bank, N.A., as purchaser of the Bonds, introduced and under the rules laid over.

RIVERSIDE HEALTH ASSIGNMENT OF HOSPITAL FACILITY LEASES – RIVERSIDE HEALTH SYSTEM. (District VI)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 01-0970.

On April 8, 1997, City Council approved the issuance of \$23,350,000 of Hospital Facilities Improvement and Refunding Revenue Bonds for Riverside Health System, Inc. ("Riverside") and on September 15, 1999 City Council approved the issuance of an additional \$3,600,000 Hospital Facilities Improvement Revenue Bonds for Riverside (collectively the "Riverside Bonds"). On August 1, 2001, Via Christi Health System, Inc., ("Via Christi") entered into an agreement with Riverside to acquire substantially all of its assets, except cash and patient accounts receivable, and assume certain liabilities of Riverside, which liabilities included the Riverside Bonds.

Management of Via Christi intends that the Riverside assets would initially be placed in Via Christi Riverside Medical Center, Inc ("New Via Christi"), a newly-formed wholly-owned not-for-profit subsidiary and that the indebtedness represented by the Riverside Bonds would become indebtedness of New Via Christi, but would also be guaranteed by Via Christi and a number of its other subsidiaries under a Master Trust Indenture which was used in connection with a number of Via Christi bonds the City has issued in the past.

The City Council must consent to the assumption of the Riverside debt in order for Via Christi to substitute its credit and Master Trust Indenture for that of Riverside. In addition, the Riverside Bond documents require the consent of the owners of 51% of outstanding principal amount of the Riverside Bonds to the assumption and substitution of the Master Trust Indenture before it can take effect. More than 51% Bondholder consent has already been received by INTRUST Bank, N.A., the City's Bond Trustee for the Riverside Bonds.

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The current members of the Obligated Group for Via Christi Bonds, which would guarantee the Riverside Bonds, are Via Christi, Via Christi Regional Medical Center, Inc., Via Christi Rehabilitation Center, Inc., Mt. Carmel Medical Center, Inc., St. Joseph Regional Medical Center of Northern Oklahoma, Inc. and New Via Christi. Riverside (having relatively few assets left) would be released from its obligations on the Riverside Bonds.

Via Christi agrees to pay the costs of preparing and filing the assignment documents and has agreed to assume Riverside's obligation to continue to pay the City its \$2,500 administrative fee on the Riverside Bond issues.

Via Christi bonds have been rated A+ on past issues by both S&P and Fitch, and the Riverside Bonds have never been rated on their own merits. The 1999 Riverside Bonds were rated AA by Fitch based on a Letter of Credit from the Bank of America securing the Bonds. Via Christi has agreed to continue to maintain the same letter of credit on the 1999 Riverside Bonds.

The City Council must consent in order for New Via Christi to assume the Riverside Bonds and to allow Via Christi to substitute its credit and Master Trust Indenture for that of Riverside. Over 51% of the Bond owners have already consented. Via Christi has obtained the preliminary opinion of Kutak Rock, nationally recognized municipal bond tax counsel, that the transaction will not affect the tax-exempt status of the Bonds. The City Attorney's Office will review and approve the form of any assignment documents.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Fearey moved that the assumption by New Via Christi of all outstanding Riverside Bond indebtedness be approved; the Ordinance authorizing the Assignment of Leases, assumption of Guaranties and related documents be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance of the City of Wichita, Kansas, consenting to the assignment of certain hospital facility leases from Riverside Health System, Inc. to Via Christi Riverside Medical Center, Inc.; authorizing the execution and delivery of an acknowledgment, acceptance and consent to assignment of leases by and between Riverside Health System, Inc., Via Christi Riverside Medical Center, Inc. and Intrust Bank, N.A., Wichita, Kansas, as Bond Trustee; approving a form of assumption of guaranty by and between Via Christi, Riverside Medical Center, Inc., and Intrust Bank, N.A., Wichita, Kansas, for the benefit of the owners of certain hospital facilities revenue bonds; authorizing the execution and delivery of, and consenting to, an assignment of remarketing agreement between Riverside Health System, Inc., Via Christi Riverside Medical Center, Inc., Banc of America Securities LLC, as remarketing agent, and the City; authorizing the execution and delivery of the assignment of certain Administrative Service Fee Agreements between Riverside Health System, Inc., Via Christi Riverside Medical Center, Inc., and the City, introduced and under the rules laid over.

HOUSING

LOW-INCOME HOUSING TAX CREDITS APPLICATION. (District VI)

Roy Johnson

Director of Housing reviewed the Item.

Agenda Report No. 01-0971.

Garrison L. Hassenflu, president of Garrison Development Company, has requested a Resolution of Support from the City Council, in connection with an application for Low-Income Housing Tax Credits submitted to the Kansas Department of Commerce and Housing. The purpose of the application is to secure a portion of the financing required for the renovation of the International Harvester building, located at 355 N. Rock Island. Garrison Development plans to convert the structure into a multi-family, mixed-income housing project, with 48 units. 24 apartments would be designated as affordable units, and 24 apartments (50%) would be offered as market-rate units. (The City's Tax Credit Policy requires that at least 20% of the units be offered as market-rate units.)

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In accordance with the City's Tax Credit Policy, the project has been reviewed by the Housing Services Department and has received recommendation for approval of the resolution by the District 6 Advisory Board, the Housing Advisory Board (following comment on the project by the Planning Department and the Office of Central Inspection), and the Development Coordinating Committee. Further, in accordance with City Council Resolution No. R-95-479, the developer has notified property owners within 200 feet of the project, in order to allow them the opportunity to provide comment on the project.

Low Income Housing Tax Credits and Historic Tax Credits will be a part of the financing package for the re-development of the structure.

City Council Resolution No. R-95-479 requires that the City Council hold a public hearing. Upon closing the public hearing the Council may vote on a motion to approve the resolution of support for the application of low-income housing tax credits.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Fearey moved that the public hearing be closed; the Resolution of support be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 01-357

A Resolution establishing support for an application for an application for Low Income Tax Credits, as required by the State of Kansas, presented. Fearey moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

HEALTH DEPT.

HEALTH DEPARTMENT TRANSFORMATION - CREATING NEW HEALTH DEPARTMENT AND BOARD.

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 01-0972.

The City of Wichita and Sedgwick County are cooperatively working to restructure the Wichita/Sedgwick County Health Department with the goal of streamlining services and providing more efficient and cost effective operations. Under the proposal, Sedgwick County will oversee preventative health services while the City of Wichita will oversee environmental health services. A Transition Team of key City and County staff members are working to ensure the changes in administration and operation of health department services will continue without interruption. The mission of the Transition Team is to provide a seamless transition which will continue to provide citizens with quality preventative and environmental health services. The administrative changes are proposed to take effect January 1, 2002.

This proposed joint charter ordinance-resolution, which will be mutually enacted by the Sedgwick County Commission, is necessary to facilitate the seamless restructuring of Health Department services. The joint charter ordinance-resolution calls for dissolving the city ordinances and county resolutions under which the Wichita/Sedgwick County Board of Health operates. Under this seamless administrative transition, the Health Board will continue to advise elected leaders on issues regarding community health. The restructuring will not require changes in the current make-up or membership of the board.

A guiding financial principle of the cooperative restructuring of the Health Department is that the services provided will be of equal or improved quality with no additional cost.

The Law department has drafted the charter ordinance changes and new charter ordinance provisions required to make the cooperative restructuring of the Health Department and Board of Health possible and consistent with state law.

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Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Council Member Fearey Council Member Fearey requested a workshop be held on this matter.

Chris Cherches City Manager said a workshop would be held on the fourth Tuesday of this month.

Motion -- Pisciotte moved that the transfer of services be approved; and the Charter Ordinance facilitating changes in the provisions relating to the joint Board of Health to be effective on January 1, 2002, be placed on first reading. Motion carried 7 to 0.

-- carried

CHARTER ORDINANCE

A joint Charter Resolution exempting Sedgwick County, Kansas and Charter Ordinance exempting the City of Wichita, Kansas from certain provisions of K.S.A. 65-2201, et seq. relating to joint local Boards of Health and to appointment of the local health officer; providing substitute and additional provisions relating thereto; and repealing Charter Resolution 41 of Sedgwick County, Kansas and Charter Ordinance 172 of the City of Wichita, introduced and under the rules laid over.

RANK GRASS ORD. MODIFICATION TO THE RANK GRASS ORDINANCE 7.40.060.

Doug Moshier Senior Assistant City Attorney reviewed the Item.

Agenda Report No. 01-0973.

There are over 4500 applications of this ordinance annually. The actual procedure for providing notice of pending enforcement action has been delegated in practice from the City Clerk to the Health Department. The proposed changes clarify that procedure. Discretion is also sought to allow ornamental and other plantings not within the strict definition of the ordinance.

Notice of the intent to abate a rank weed nuisance is most efficiently handled directly from the Health Department. In this manner, the citizen has the opportunity to do a voluntary lot cleanup, and by direct notice quickly cut off the need for Health Department contract work and the ensuing charges against the property. Changing the ordinance to direct this type of notice removes a potential technical defense on lot cleanup collection contests. Additionally, the ordinance currently has no specific exception for grassy ornamental plantings and intentionally natural landscapes. The proposed changes would give the Code Enforcement Staff the clear authority to approve such sites as nature education centers, golf courses, and xeriscaped landscaping designed for water conservation. The proposed changes have been developed with the assistance of the Health Department.

These changes will create no financial charge against the City, and may nominally improve collection of cleanup charges against properties.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Section 7.40.060 of the Code of the City of Wichita, Kansas, pertaining to rank grass, weeds, or other vegetation as nuisances and repealing the original of said section, introduced and under the rules laid over.

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STATE WATER FEE MANDATED NEW STATE CLEAN DRINKING WATER FEE.

Ray Trail

Director of Finance reviewed the Item.

Agenda Report No. 01-0974.

During the 2001 Legislative Session, House Substitute for Senate Bill 332 was enacted. This Legislature created a new fee to be paid by local water utilities in lieu of retail sales tax on utility purchases. The fee was set at a rate of \$.03 per 1,000 gallons of water sold through the distribution systems. This new law applies to the City of Wichita Water Utility and gives local governments until October 1, 2001 to notify the Kansas Water Office/Department of Revenue whether they wish to pay this new fee, or to continue to pay retail sales tax on items purchased by the utility. This decision is irrevocable. If no notice is given, the City will automatically be assessed the fee as of January 1, 2002. This new fee may not be included in base rate charged to customers and must be paid directly by the Utility.

Based on year 2000 figures, the fee assessed to the Wichita Water Utility would be approximately \$560,000 under this new law. (This fee would replace retail sales taxes paid by the Water Utility). An analysis of expected capital improvement budgets and operating budget purchases shows estimated sales tax costs of \$474,400 to \$616,000. The sales tax figure depends upon the actual level of capital expenditures; a range of \$30 million to \$50 million was used for this comparison. Therefore, there is either a savings of \$56,000, or a cost of \$85,600 in continuing to pay sales tax in lieu of the new fee, depending upon the amount of purchases made by the Utility. In effect, the City would save money by opting out of this fee when purchase amounts are lower; and, conversely, the City pays more by opting out of this fee when purchase amounts are higher.

Current Water Utility capital budget projections show for the time period of 2002-2010 expenditures at (or below) \$30 million per year, which is the lower amount used for the aforementioned cost comparison. Therefore, assuming the amount of capital expenditures does not increase significantly in subsequent capital improvement programs, the City would save money paying sales taxes and opting out of this new fee in the range of \$50,000 per year.

Furthermore, it should be noted that the Water Utility will continue to maintain personnel and sales tax payment for its customer billing system so no staff savings can be anticipated by opting out of the sales tax for utility purchases.

Cost savings are estimated to exceed \$50,000 per year.

State statutes grant Cities the authority and option to either pay the water fee or sales tax. Notice must be provided to the State on or before October 1, 2001.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Knight moved that the City notify the State that the City of Wichita will opt out of the new clean drinking water fee. Motion carried 7 to 0.

GROVE PARK

GROVE PARK PLAN. (District I)

Doug Kupper

Director of Parks and Recreation reviewed the Item.

Agenda Report No. 01-0975.

In August, 1998, a general concept plan for Grove Park was developed by the Department of Park and Recreation in response to a neighborhood request for additional amenities. The concept plan identified as priorities the placement of amenities such as a playground, golf range, football fields, parking areas, a walking path, and a roadway from Hillside into the park. The plan was presented to the City Council

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and approved for development May 11, 1999. At that time, the City Council also moved to approve \$20,000 in design money for a site development plan.

In October, 1999, the firm of Savoy, Ruggles, and Bohm (SRB) contracted with the City to provide surveying, land planning, and engineering services for development of the concept plan for Grove Park. The process included several meetings with constituents, including neighborhood concern groups, McAdams Jr. Golf enthusiasts, Hoop City Basketball patrons, the Wichita Jr. Football League, Park Board members, former Council Member George Rogers, and City staff from the Public Works and Park and Recreation departments.

On January 19, 2000, SRB presented a revised plan to the Design Coordination Committee (DCC) for review. Several concerns were raised, including the viability of the golf range, as well as other features. These comments were used to develop an additional concept plan and another meeting was conducted on March 16, 2000, with the DCC. Staff met again with neighborhood groups on April 7, 2000, to present the evolved plan and emphasize the merits of the two design concepts budgetarily. The final report for the Grove Park Master Plan was completed June 16, 2000.

In November, 2000, an RFP was sent out to solicit a design firm to provide complete construction documents for the master plan developed by SRB. Gossen Livingston Associates (GLA) was selected to develop the construction plans in January, 2001.

In March, 2001, MAPD staff advised the Park and Recreation Department that Grove Park was a site where—based on historical overlays—ancient Indian ruins may exist. MAPD staff contacted the City's archeologist to investigate how the new proposed development could or may impact any possible Indian artifacts at the site. Archeologists made no significant finds during their on-site surveys, but suggested the rerouting of a proposed sewer line which may cross an important archeological site. This information was forwarded to GLA, and the design was reworked to minimize the threat to potential archeological discoveries.

GLA completed plans in late June, 2001. Construction activity is ready to commence. In-kind services will be provided by the Kansas National Guard beginning in November, 2001. The master plan for the project includes development of a greenway to connect with Chisholm Creek Park, renovation of an existing football field, and construction of a new football field. Also included in the plan is construction of a fitness and running trail.

The Grove Park Master Plan was developed by Gossen Livingston with extensive input from a local board of citizens. It was reviewed and approved by the Design Review Board August 16, and by the Park Board on August 20. Project specifications have been completed, and the project is now ready to be bid. City Council approval of the Plan is desired prior to the start of construction on the project.

There are no financial considerations.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard.

Willie Burton

Willie Burton inquired as to who would be responsible for paying for fuel.

Doug Kupper

Director of Parks and Recreation responded that the details (who will be purchasing and how much fuel will be used) are unknown. This matter can be worked out in the future.

Motion --

-- carried

Brewer moved that the plan be approved and initiation of bids for construction be authorized. Motion carried 7 to 0.

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(The following Item was taken up later in the meeting. Action is shown in Agenda order.)

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE BUILDINGS.

Kurt Schroeder

Superintendent of Central Inspection reviewed the Item.

Agenda Report No. 01-0976.

On July 24, 2001 a report was submitted with respect to the dangerous and unsafe conditions on six (6) properties. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 10:30 a.m. on September 11, 2001. One (1) property has been repaired by the owner. The remaining five (5) properties are as follows:

On June 25, 2001, the Board of Code Standards and Appeals (BCSA) held a hearing on the following properties:

<u>Address</u>	<u>District</u>
1. 948 West 51st Street North	VI
2. 1747 South Euclid	IV
3. 1251 North Broadway	VI
4. 213 North Baehr	IV
5. 2744-48 South Vassar	III

Pursuant to State Statute the Resolutions were duly published twice on July 26, 2001 and August 2, 2001. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of each described property.

The City Council previously adopted Resolutions scheduling a hearing for 10:30 a.m. on the following properties:

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared on Items 1, 2, 4, and 5..

Motion --

Knight moved that the public hearing be closed; and with exception of 1251 North Broadway, the Resolutions declaring the structures as dangerous and unsafe be adopted; and the BCSA recommendation to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structure be accepted. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as of September 11, 2001; (2) the structure(s) has/have been secured as September 11, 2001, and will continue to be kept secured, and (3) the premises are mowed and free of debris as of September 11, 2001, and will be so maintained during renovation. Motion carried 7 to 0.

-- carried

RESOLUTION NO. 01-358

A Resolution finding that the structure located on Lot 34, First Addition to Urbandale to Wichita, Sedgwick County, Kansas, commonly known as 948 West 51st Street North, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight

RESOLUTION NO. 01-359

A Resolution finding that the structure located on Lots, 39 and 41, Block 3, Gillespie Grove Addition to Wichita, Sedgwick County, Kansas, commonly known as 1747 South Euclid, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight

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RESOLUTION NO. 01-360

A Resolution finding that the structure located on Lot 10, Block 9, Orchard Park Addition to Wichita, Sedgwick County, Kansas, commonly known as 213 North Baehr, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight

RESOLUTION NO. 01-361

A Resolution finding that the structure located on Lot 52, Block J, in Plainview Addition to Wichita, Sedgwick County, Kansas, commonly known as 2744-48 South Vassar, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight

3. 1251 North Broadway

Kurt Schroeder	Superintendent of Central Inspection reviewed the Item.
Harold Stover	Harold Stover, son of deceased owners, indicated that he wants to make sure family belongings are removed from the structure before it is demolished.
Council Member Fearey	Council Member Fearey expressed concern that this house is in a stretch of single-family houses on north Broadway. It is hoped the City can try to do something to save property in this area. The foundation does not appear to be in worse shape than other houses in Historic Midtown that have been saved. A realtor will investigate locating the executor.
Kurt Schroeder	Superintendent of Central Inspection said there have been rumors that the executor of the estate has been occasionally living in the house.
Motion --	Fearey moved that the public hearing be closed, the Resolutions declaring the structure (with the understanding that consideration be given to try to save the structure at each step of the way), as dangerous and unsafe be adopted; and the BCSA recommendation to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structure be accepted. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as of September 11, 2001; (2) the structure(s) has/have been secured as September 11, 2001, and will continue to be kept secured, and (3) the premises are mowed and free of debris as of September 11, 2001, and will be so maintained during renovation. Motion carried 7 to 0.
-- carried	

RESOLUTION NO. 01-362

A Resolution finding that the structure located on Lots 289 and 291 on Lawrence Avenue, now Broadway Avenue, in Hyde & Ferrell's, Addition to Wichita, Sedgwick County, Kansas, commonly known as 1251 North Broadway, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CITY COUNCIL AGENDA

TRAVEL

APPROVAL OF TRAVEL EXPENSES FOR COUNCIL MEMBER GALE TO PORTLAND, ME, OCTOBER 4-7, 2001, FOR NLC PUBLIC SAFETY AND CRIME PREVENTION STEERING COMMITTEE MEETING.

Motion -- carried	Knight moved that the travel expenditures be approved. Motion carried 7 to 0.
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VOTING DELEGATES SELECTION OF LEAGUE OF KANSAS MUNICIPALITIES ANNUAL CONFERENCE VOTING AND ALTERNATE VOTING DELEGATES.

The City of Wichita may select up to a maximum of five (5) voting delegates and five (5) alternate voting delegates to represent the City in the conduct and management of the affairs of the League at the Annual Conference to be held in Wichita, October 6-9, 2001.

Motion -- Pisciotte moved that Brewer, Fearey, Gale, Lambke, and Martz be appointed as the voting delegates; -- carried and Pisciotte be appointed as the alternate delegate. Motion carried 7 to 0.

VOTING DELEGATES SELECTION OF NATIONAL LEAGUE OF CITIES ANNUAL BUSINESS MEETING VOTING AND ALTERNATE VOTING DELEGATES.

The City of Wichita may select one Voting Delegate and one Alternate Voting Delegate to represent the City in the conduct and management of the affairs of the National League of Cities at the Annual Congress of Cities – Atlanta, Georgia, December 4-8, 2001.

Motion -- Knight moved that Martz be appointed as the voting delegate and Fearey be appointed as the alternate -- carried delegate. Motion carried 7 to 0.

APPOINTMENTS BOARD APPOINTMENTS.

Motion -- Pisciotte appointed Shawna Mobley, Margalee Wright and Ron Terzian to the Juvenile Corrections -- carried Advisory Board and moved that the appointments be approved. Motion carried 7 to 0.

PROCLAMATIONS PROCLAMATIONS:

--Leukemia and Lymphoma Awareness Month
--American Business Women's Day

Motion -- carried Knight moved that the Proclamations be authorized. Motion carried 7 to 0.

CONSENT AGENDA

Knight moved that the Consent Agenda, except Item 26d, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED SEPTEMBER 10, 2001.

Sandwedge Circle from the westerly line of Lot 4, Block B, east to and including the cul-de-sac to serve Auburn Hills 11th Addition - east of 151st Street West, north of Kellogg. (472-83403/765692/490803) Does not affect existing traffic. (District V)

APAC - Kansas Inc. - \$74,708.90 (Corrected total)

Jewell from the west line of the plat, east to the east line of the plat, on Milstead from the south line of Jewell, south to the east line of Lot 24, Block B, and on Golden Hills from the south line of Jewell, south to the south line of Lot 2, Block F, Jewell Court from the north line of Jewell, north to and including the cul-de-sac. Sidewalk along one side of Jewell from the west line of the plat to the east line of the plat, along one side of Milstead from the south line of Jewell, south to the east line of Lot 24, Block B, and on Golden Hills from the south line of Jewell, south to the south line of Lot 2, Block F to serve Flat Creek Addition - east of 119th Street West, north of Pawnee. (472-83383/765684/490795) Does not affect existing traffic. (District V)

APAC - Kansas Inc. - \$350,785.75

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2001 Sanitary sewer reconstruction Phase 6 - north of Kellogg, west of Webb Road. (468-83309/620322/661446) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II and VI)

WB Carter Construction - \$60,149.00

2001 Sanitary sewer rehabilitation, Phase F - east of Hillside, north of 21st Street North. 468-83310/620323/661447) Traffic to be maintained during construction using flagpersons and barricades. (District I)

U-liner Mid America - \$280,287.00

Lateral 307, Four Mile Creek Sewer to serve Harrison Park Second Addition - east of Webb, north of Lincoln. (468-83275/743881/480569) Does not affect existing traffic. (District II)

K C Excavating - \$35,021.00

Lateral 8, Main 2, Cowskin Interceptor Sewer to serve Auburn Hills 13th Addition - south of Maple, west of 135th Street West. (468-83312/743882 /480570) Does not affect existing traffic. (District V)

Wildcat Construction - \$177,115.00

Lateral 72, Main 5, Sanitary Sewer 23 to serve The Courts II Addition - south of 29th Street North, east of Oliver. (468-83257/743883/480571) Does not affect existing traffic. (District I)

Wildcat Construction - \$59,161.00

Storm Water Drain 174 to serve YMCA South Addition - west of Meridian, north of I-235. (468-83294/751300/485191) Does not affect existing traffic. (District IV)

Cornejo - \$86,823.00

Water distribution system to serve West Ridge Estates - south of 29th Street North, east of 119th Street West. (448-89472/735022/470692) Does not affect existing traffic. (District V)

Mies Construction - \$69,063.00

Water distribution system to serve Hanley Commercial Addition - south of 21st Street, east of Webb. (448-89609/735026/470696) Does not affect existing traffic. (District II)

K C Excavating - \$29,978.00

2001 Contract Maintenance Reinforced Concrete Box Culvert on Bunker Hill at George Washington Boulevard - Bunker Hill and George Washington Boulevard. (472-83420/132710/) Road closure on Bunker Hill. (District III)

W.B. Carter Construction - \$17,310.00

Water Distribution System to serve Harrison Park Second Addition - east of Webb, north of Lincoln. (448-89587/735023/470693) Does not affect existing traffic. (District II)

Mies Construction - \$19,390.00

Water Distribution System to serve The Courts II Addition - south of 29th Street North, east of Oliver. (448-89579/735025/470695) Does not affect existing traffic. (District I)

H D Mills & Sons - \$27,116.00

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Water Distribution System to serve Auburn Hills 13th Addition - west of 135th Street West, south of Maple. (448-89610/735024/470694) Does not affect existing traffic. (District V)

Mies Construction - \$72,174.00

2001 Contract Maintenance Brick Paver and Enhancement of Arterial Medians - north of Kellogg on Webb Road. (472-83340/132710/) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Cornejo & Sons Construction - \$105,494.00 (Engineer's estimate)

Paving Woodchuck from Learjet Way to Kellogg and Learjet Way from Mid Continent Drive to 1800 feet west of Mid Continent Drive - south of Kellogg, east of Tyler. (472-83286/706808/500960/635635/500950/201273/451225/761694) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Cornejo & Sons Construction - \$161,103.60 (Add alternate/Group 4)

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Sidewalk, Driveway Removal and Replacement and Wheel Chair Ramp Installation. (097805)

American Construction Inc. - \$29,400.00 (Total net bid)

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Bathroom Modifications at Various Sites. (097805)

Baker Drywall & Construction - \$26,460.00 (Group 1/lump sum total)
\$24,000.00 (Group 2/lump sum total)

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Removal and Replacement of Siding, Guttering, Driveway, Approach and Sidewalk. (097805)

Baker Drywall & Construction - \$21,163.20 (Total net bid)

VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Lubricating Oil, Gear Oil, Grease, Transmission Fluid & Oil Analysis. (130849)

Universal Lubricants, Inc. - \$2.44 (Item 1/per gallon)
\$2.59 (Item 2/per gallon)
\$2.59 (Item 3/per gallon)
\$2.49 (Item 4/per gallon)
\$5.69 (Item 5/per gallon)
\$2.69 (Item 6/per gallon)
\$2.69 (Item 7/per gallon)
\$6.05 (Item 8/per gallon)
\$2.95 (Item 9/per gallon)
\$2.95 (Item 10/per gallon)
\$2.55 (Item 11/per gallon)
\$2.45 (Item 12/per gallon)
\$3.55 (Item 13/per gallon)
\$2.75 (Item 14/per gallon)
\$1.94 (Item 15/per gallon)
\$.45 (Item 16/per gallon)
\$.55 (Item 17/per gallon)

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\$.95 (Item 18/per gallon)
\$.88 (Item 19/per gallon)
\$.95 (Item 20/per gallon)
\$.93 (Item 21/per gallon)
No Charge (Item 22/per gallon)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Ferric Sulfate.
(183632)

FE3 Incorporated - \$.054 - (Cost per pound)

FINANCE DEPARTMENT/DATA CENTER DIVISION: City Hall Ninth Floor Remodel for Data
Center Relocation. (300384)

Martin K. Eby Construction Co., Inc. - \$543,000.00 (Base bid/lump sum total)
\$134,000.00 (Option 1/add alternate 1/lump sum total)
\$ 43,000.00 (Option 2/add alternate 2/lump sum total)
\$ 7,000.00 (Option 3/add alternate 3/lump sum total)
\$ 13,000.00 (Option 4/add alternate 4/lump sum total)
\$ 27,000.00 (Option 5/add alternate 5/lump sum total)
\$ 4,000.00 (Option 6/add alternate 6/lump sum total)

PARK & RECREATION DEPARTMENT/GOLF COURSE DIVISION: Grass Seed. (170241)

Williams Lawn Seed Co. - \$30,004.80 (Total group I)
\$ 4,105.20 (Total group II)

WATER & SEWER DEPARTMENT/SYSTEMS PLANNING & DEVELOPMENT DIVISION:
Sliplining 48" Well Field Supply Main. (633712)

BRB Contractors, Inc. - \$3,029,710.00 (Item 1/total net bid)

PARK & RECREATION DIVISION/MAINTENANCE DIVISION: Bollards. (785020)

B & B Lumber Co. - \$32,160.00* (Total net bid)

*Increased quantity item 2 from 1,200 to 2,200 @\$11.85 each

PUBLIC WORKS DEPARTMENT/STORM WATER MANAGEMENT: Steel Catch Basin Lids.
(133116)

Neenah Foundry Company - \$10,600.00 (Total net bid)

PARK DEPARTMENT/RECREATION DIVISION: Subsoil Fill and Placement at Adult Soccer Fields
at 33rd and Ohio Streets. (785020)

Farha Construction Inc. - \$59,524.00 (Group 1A alternate bid)

PUBLIC WORKS DEPARTMENT/STORM WATER MANAGEMENT DIVISION: Drainage
Improvements at Euclid and May. (660470)

Wildcat Construction - \$19,418.00 (Total net bid)

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WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Transportation of Biosolids. (184309)

G.I. Hauling - \$3.25 (Item 1/per ton)
\$.25 (Item 2/per ton)
\$.10 (Item 3/per ton)
\$.14 (Item 4/per ton/per mile)

WATER & SEWER DEPARTMENT/CUSTOMER SERVICES DIVISION: External Plate Strainers for Badger Meters. (633628)

Badger Meter, Inc. - \$7,388.00* (Total net bid)
*Redirect award

PARK & RECREATION DEPARTMENT/ADMINISTRATION DIVISION: Ancillary Park Equipment. (785020)

Group 3 - Referred to purchasing for award

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSES

APPLICATION FOR LICENSE FOR ADULT ENTERTAINMENT ESTABLISHMENTS /SERVICES:

Renewal Adult Entertainment

Norman Massey Jr. Zigefields 4200 West Kellogg

Motion -- carried Knight moved that the license be approved subject to Staff approval. Motion carried 7 to 0.

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

Renewal 2001 (Consumption on Premises)

Jesse D. Soria Cholitas Mexican Restaurant* 8987 West Central

Special Event September 15-16
American GI Forum 1530 West 21st Street

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion -- carried Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

PLANS AND SPECS.

PLANS AND SPECIFICATIONS.

a) Intersection Improvements at 21st Street North and Arkansas Avenue (21st Street North and Arkansas). (87 N-0194-01/472-82783/706799) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/25/2000.

Motion --
-- carried Knight moved that the plans and specifications be approved and advertised for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., October 9, 2001. Motion carried 7 to 0.

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PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) Funston, from the west line of Lot 37, Block 2 to Greenwich Road; Derrick Circle, north of Funston including the cul-de-sac; Justin Circle, north of Funston including the cul-de-sac to serve Smithmoor 10th Addition - south of Harry, west of Greenwich. (472-83396/765688/490799) Does not affect existing traffic. (District II) - \$298,000.00
- b) Lateral 4, Main 3, Northwest Interceptor Sewer to serve West Ridge Estates - south of 29th, east of 119th Street. (468-83103/743880/480568) Does not affect existing traffic. (District V) - \$182,000.00
- c) Water distribution system to serve Ridge Port North Third & Fourth Additions - south of 37th, east of Ridge. (448-89503/734991/470661) Does not affect existing traffic. (District V) - \$185,000.00
- d) Water distribution system to serve Lot 20, Block 1, Fruitvale Park Addition. (448-89482/734975/470-645). Traffic to be maintained during construction using flagpersons and barricades. (District V). Total Estimated Cost - \$8,000.00
- e) Water distribution system to serve O-Dell White Addition. (448-89562/735009/470-679). Traffic to be maintained during construction using flagpersons and barricades. (District V). Total estimated cost - \$3,120.00
- f) Water Distribution System to serve Lot 20, Block 1, Fruitvale Park Addition. (448-89482/734975/470-645). Traffic to be maintained during construction using flagpersons and barricades. (District V). Total estimated cost - \$8,000.00.
- g) Water Distribution System to serve O-Dell White Addition. (448-89562/735009/470-679). Traffic to be maintained during construction using flagpersons and barricades. (District V). Total estimated cost - \$3,120.00.
- h) (Amended) 1996 intersection program- Harry & Edgemoor, Harry & West, Lincoln & Woodlawn, 47th & Emporia, 2nd/3rd & Broadway, 13th & Waco, 13th & Broadway, Lincoln & Edgemoor, Pawnee & Oliver and Seneca & Maple. (472-82668/706291/405-183). Traffic to be maintained during construction using flagpersons and barricades. (Districts II, III, IV, and IV). Total estimated cost- \$3,075,000.00- \$1,075,000.00- GO, \$2,000,000.00
- i) (Amended) Oliver from 25th Street North to 35th Street North. (472-82588/706184/405-172). Traffic to be maintained during construction using flagpersons and barricades. (District I). Total estimated cost - \$2,261,000.00- \$661,000.00- GO, \$1,600,000.00
- j) (Amended) Central from I-235 to West Street. (472-83014/706762/208-230). Traffic to be maintained during construction using flagpersons and barricades. (District IV, VI). Total estimated cost- \$3,200,000.00- \$900,000.00- GO, \$2,300,000.00
- k) (Amended) Bicycle path on the west bank of the Arkansas River, from Meridian to 13th Street North. (472-82619/785485/440-079). Traffic to be maintained during construction using flagpersons and barricades. (District VI). Total estimated cost - \$321,000.00- \$120,000.00- GO, \$201,000.00

Motion -- carried

Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

EASEMENTS

EASEMENTS:

- a) Easement, dated September, 11 2001, by and between the City of Wichita, Kansas, a Municipal Corporation, of the first part and the City of Wichita, of the second part.

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- b) Drainage Easement dated August 7, 2001 from Amber Ridge, L.L.C., a Kansas Limited Liability Company, for tracts of land in Lots 3 and 4, Block A, Flat Creek Addition, Wichita, Sedgwick County, Kansas (Flat Creek, OCA# 751299). No cost to City.
- c) Drainage Easement dated August 8, 2001, from Doris M. Rishel and Howard A. Rishel, Trustees of the Doris M. Rishel Trust u/t/a dated September 14, 2000, for a tract of land in the SW 1/4 of Sec. 26, Twp. 27S, R-2-W of the 6th P.M., Sedgwick County, Kansas (Auburn Hills 11th, OCA #765692). No cost to City.
- d) Utility Easement dated July 9, 2001 from Bryan Lagaly Homes, Inc. for tracts of land in Lots 79 through 87 inclusive, Block 2, The Courts II, an Addition to Wichita, Sedgwick County, Kansas (The Courts II, OCA #743883). No cost to City.
- e) Utility Easement dated July 10, 2001 from Bryan Lagaly Homes, Inc. for tracts of land in the NE 1/4 of Sec. 1, Twp. 27S, R-1-E of the 6th P.M., Sedgwick County, Kansas (The Courts II, OCA #743883). No cost to City.

Motion --
-- carried

Knight moved that the documents be received and filed; and the necessary signatures be authorized.
Motion carried 7 to 0.

YMCA

PETITION FOR STORM WATER DRAIN TO SERVE YMCA SOUTH ADDITION – WEST OF MERIDIAN, NORTH OF MACARTHUR. (District IV)

Agenda Report No. 01-0977.

On July 10, 2001, the City Council approved a Petition for a Storm Water Drain to serve YMCA South Addition. Based on recent bid prices, the construction will exceed the budget set by the Petition. The developer has submitted a new Petition with an increased budget. The signatures on the Petition represent 100% of the improvement district, except for a tract owned by the City of Wichita.

The City's tract is the site of the new south branch library and fire station.

The original Petition totaled \$82,350. The new Petition totals \$125,700. The funding source is special assessments. The assessment to the City property is \$21,000.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-363

A Resolution amending Resolution No. 01-277 pertaining to the construction of Storm Water Drain No. 174 (west of Meridian, north of MacArthur) Project No. 468-83294, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

WIEDEMANN PARK

PETITION FOR STORM WATER SEWER TO SERVE K.T. WIEDEMANN BUSINESS PARK - SOUTH OF KELLOGG, WEST OF GREENWICH. (District II)

Agenda Report No. 01-0978.

On June 10, 1980, the City Council approved a storm water sewer Petition for K.T. Wiedemann Business Park. The Petition was a requirement for platting the property. A new Petition has been submitted to modify the improvement district to more accurately reflect the area served by the project. The signature on the Petition represents one of the three owners and 69% of the improvement district

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area. The two non-signers have indicated that they are not opposed to the project and do not wish to have a public hearing on the Petition.

The storm water sewer serves a mobile home sales lot and an undeveloped business park located on the south side of Kellogg, west of Greenwich.

The Petition totals \$155,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-364

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 195, (south of Kellogg, west of Greenwich) 468-80969, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

BOARDS MINUTES

Minutes of Advisory Boards/Commissions:

District Advisory Board VI, May 7, 2001
District Advisory Board I, May 21, 2001
Wichita Airport Advisory Board, June 4, 2001
District Advisory Board I, June 4, 2001
District Advisory Board II, June 4, 2001
District Advisory Board V, June 4, 2001
District Advisory Board IV, June 6, 2001
Housing Advisory Board, June 19, 2001
Wichita Employees' Retirement System, June 20, 2001
Board of Code Standards and Appeals, June 25, 2001
Police and Fire Retirement System, June 27, 2001
Deferred Compensation Board of Trustees, June 28, 2001
District Advisory Board VI, July 2, 2001
Deferred Compensation Board of Trustees, July 3, 2001
Metropolitan Area Planning Commission, July 5, 2001
Board of Park Commissioners, July 9, 2001
District Advisory Board V, July 9, 2001
Wichita-Sedgwick County Board of Health, July 12, 2001
District Advisory Board I, July 16, 2001
Wichita Public Library, July 17, 2001
Wichita Employees' Retirement System, July 18, 2001
District Advisory Board IV, July 18, 2001
District Advisory Board VI, July 18, 2001
Wichita-Sedgwick County Board of Health, July 19, 2001
Board of Park Commissioners, July 19, 2001
Design Council, July 19, 2001
Wichita Sedgwick County Alternative Correctional Housing Advisory Board, July 19, 2001
Metropolitan Area Planning Commission, July 19, 2001
Police and Fire Retirement System, July 25, 2001
Board of Park Commissioners, July 24, 2001
Wichita Public Library, August 21, 2001

Motion -- carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

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STREET CLOSURE

CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 01-1019.

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted.

Chili Bowl 2001

Saturday, September 22, 2001; 6:00 a.m. to 6:00 p.m.

- Douglas from Mead to Emporia
- St. Francis from First to William

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion --

Knight moved that the street closure requests be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 7 to 0.

-- carried

TOWER

LEASING OF ANTENNA SITE AT HERMAN HILL PARK. (District III)

Agenda Report No. 01-0979.

Nordyke Ventures has approached the City about placing a tower to provide wireless service in an approximately 3,600 square foot site in the southeast portion of Herman Hill Park. The site is located west of Broadway and south and east of the police substation. The site has been reviewed and accepted by appropriate staff. The lessee has sought and received the appropriate approvals and conditional use permits to allow the tower to be built. The proposed tower will be 150-feet tall and will accommodate up to four service providers.

The lease agreement provides for a five-year term with four five-year options. Annual base rental is \$8,400 per year with annual three percent increases. If the facility is leased to three users, the base rent is increased to \$10,200. If a fourth user is added, base rent becomes \$12,000 per year. Until such time as all four spots on the tower are leased, the City shall have the right to utilize one spot at no cost to the City. The lessee agrees not to interfere with the public purpose of the area and to make sure the leased area is secure.

The MAPC voted to approve the tower/site. The DAB voted 4-4 (only eight members were present) on the tower placement. The Park Board tabled action until the September 11th meeting.

The City will receive rent revenues. The lessee shall be responsible for all costs of installation, operation and maintenance of the facility and the leased land upon which it is constructed.

Motion --

Knight moved that the Lease be approved and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

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KDOT

CONSTRUCTION ENGINEERING AGREEMENT FOR CENTRAL AND ROCK ROAD INTERSECTION. (District II)

Agenda Report No. 01-0980.

Central and Rock Road was included in the 2001 Capital Improvement Program as part of the Arterial Corridor Program (CIP No. MS-200004). The project is financed by a combination of City General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation (KDOT). On March 6, 2001, the City Council approved the project for construction. An Agreement between the City and KDOT for construction engineering services has been prepared.

Improvements are needed to improve traffic carrying capacity and to increase safety. Construction is expected to begin in the next few weeks and be completed by November.

KDOT will reimburse the City for 80 percent of the cost for construction engineering services, which has an upper limit of \$77,806.58.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

DESIGN SERVICES

SUPPLEMENTAL AGREEMENT FOR WAYFINDING GRAPHICS AND SIGNAGE – DOWNTOWN. (Districts I, IV, and VI)

Agenda Report No. 01-0981.

On May 20, 1997, the City entered into an Agreement with Hunt Design Associates of Pasadena, California for designing a signage system downtown that directs the public to significant attractions and destinations, and identifies public and private parking.

Hunt Design is requesting additional travel expense budget to complete the project. They need to make trips to Heath & Company, sign contractor, in Dallas to inspect the work in fabrication and to Wichita to inspect the installation. Supplemental Agreement No. 1 has been prepared.

Payment to Hunt Design for the Supplemental Agreement will be made for reimbursable expenses up to an additional \$4,000, and will be paid from remaining funds in the original budget approved for the project. The funding is by General Obligations Bonds.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

(Agenda Item No. 26d)
ART MUSEUM

ART MUSEUM EXPANSION. (District VI)

Council Member Fearey declared a conflict of interest and abstained from participation.

Agenda Report No. 01-0982.

On October 17, 2000, the City Council approved an agreement between the City of Wichita and the Wichita Art Museum, Inc. to provide for the financing and management of the Wichita Art Museum.

On March 20, 2001, the City Council approved the bid of Dondlinger & Sons to construct the expansion project for the museum, which will add 35,000 square feet, increase gallery space by 43% and allow the visiting public better access.

The architectural contract with Schaefer Johnson Cox Frey & Associates P.A. will be amended to provide additional and full-time construction monitoring during critical phases of the project by a

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licensed architect. The Art Museum Board requested the extra observation because the Great Hall will be constructed with the ability for humidification to allow for art placement. It is very critical that design details like the placement of sheathing, vapor barrier, air barrier, fire protection materials, together with the structural frame, masonry veneer, drywall and insulation, roofing system, roof edge flashings, and installation of glass and glazing components are precisely constructed or we could end up with long range building maintenance problems.

The Contract Amendment for \$51,000.00 will be funded from the project budget (Project No. 435300, OCA No. 792329). The project remaining balance is \$1,154,165.82.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 6 to 0. (Fearey abstained)

USD 259

USD 259 AFTER SCHOOL RECREATION PROGRAM. (Districts III and IV)

Agenda Report No. 01-0983.

In March 2000, the City Manager's Office partnered with the Wichita Public Schools to apply for a U.S. Department of Education grant. The grant, called the 21st Century Community Learning Center (21st CCLC) program, was approved by the federal government in April 2001. The three-year grant will provide funds and technical support that will assist with the communities adult and community education efforts.

A portion of the 21st Century Community Learning Center grant is to be used to provide funding for safe, structured, morning latchkey and after school recreation programs at the Stanley-Aley Center, 1749 South Martinson, and the Colvin Center, 2820 South Roosevelt. These programs are designed to improve academic achievement of students, reduce risk factors and increase community services for youth and adults.

The funding will permit the Park and Recreation Department to hire additional recreation staff to provide services at the two centers.

The total grant award for the City is \$80,100, with \$40,104 for the Stanley Center and \$40,000 for the Colvin Center.

Motion --
-- carried

Knight moved that the Grant Agreement be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

CDC/CHDO

POWER CDC/CHDO PROJECT – NORTHEAST AND NORTH CENTRAL AREA REDEVELOPMENT. (Districts I and VI)

Agenda Report No. 01-0984.

Power CDC, Inc. (Power CDC), one of the City's Non-Profit Community Housing Development Organizations (CHDO) was allocated \$125,050 of Home Investment Partnerships Program (HOME) funds by the City Council March 20, 2001, at the recommendation of the Grants Review Committee, as part of the 2001-2002 Consolidated Plan funding process. The funding was approved for acquisition, and construction or re-construction of housing in the Northeast and North Central Local Investment Areas.

Under the agreement, Power CDC will develop single-family housing, depending on acquisition costs and opportunities. The exact number of homes developed will depend on the availability of property and acquisition opportunities. Homes developed under the agreement will be sold to HOME-eligible buyers. The HOME funding will be utilized to subsidize acquisition, rehabilitation and construction costs, as well as Power CDC's developer fee.

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This allocation was made from the City's 2001-2002 HOME grant as part of the required 15% set-aside for CHDO development funding.

Motion -- Knight moved that the Grant Agreement be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

RECRUITMENT SERV. CONTRACT FOR RECRUITMENT SERVICES.

Agenda Report No. 01-0985.

City Staff plans to recruit for two positions. Century II's position remains open and the City Engineer's position will be open next year with a planned retirement. Both positions are important enough to utilize the services of a professional recruit firm to assist in the search and selection process.

The City solicited proposals from three search firms who specialize in executive search recruitment in the public sector. From that solicitation, staff is recommending the selection of Slavin Management Consultants based upon cost of services, experience and the qualifications of the firm.

Slavin Management Consultants has assisted the City with professional searches in the past, the most recent being the Director of Parks and Recreation and the Housing Director. The firm will be responsible for assisting with recruitment/advertisement, identifying appropriate candidates, providing background and reference checks, and assisting with the interview process, as necessary.

Slavin Management Consultant's fee for recruitment is \$15,000/candidate, plus expenses. Funds are available from the respective departments to offset the recruitment and selection costs.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

RR PIPELINE AGMTS RAILROAD PIPELINE CROSSING AGREEMENTS - SANITARY SEWER AND WATERLINE FOR FARMLAND INDUSTRIES BUILDING AT 29TH STREET AND OHIO STREET. (District VI)

Agenda Report No. 01-0986.

A sanitary sewer and waterline are being constructed to serve Farmland Industries property at 29th and Ohio. Portions of the pipelines will encroach into Union Pacific Railroad right-of-way.

Pipeline Crossing Agreements have been prepared to allow the installation and maintenance of the pipelines within railroad right-of-way.

There are fees totaling \$3,224 associated with the Agreements. Farmland Industries will pay the fees.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

TRASH COLLECTION CONTRACT AMENDMENT FOR TRASH COLLECTION SERVICES - HOUSING AUTHORITY.

Agenda Report No. 01-0987.

The City of Wichita currently has a contract with Waste Management to provide trash carts, bulky waste trash collection, and weekly curbside trash pickup collection services at various Wichita Housing Authority (WHA) residences located throughout Wichita. The City Council approved the contract to Waste Management on June 23, 1998. The contract will expire September 30, 2001.

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Since the Landfill closes on October 9, 2001, the City of Wichita is faced with increased disposal costs. Waste Connections' transfer station is completed and Waste Management's transfer station (Waste Disposal LLC) will open by yearend. Staff is recommending extending the contract with Waste Management until February 28, 2002. By extending the contract, each company will be able to bid with each using their own or contracted transfer station. Waste Management is planning to use Waste Connections' transfer station to provide the trash services collection services. Waste Management is only increasing the disposal costs to cover the additional cost per ton.

Currently, WHA's cost is \$15,000 per quarter. Waste Management is requesting an increase of 16% in the rates for furnishing trash carts, bulky waste pickup and weekly trash collection from \$11.40 to \$13.23 per residence, and one additional trash cart and weekly curbside pickup collection service from \$6.45 to \$7.49 per residence. This would be an approximate increase of \$2,400 per quarter. Wichita Housing Authority has the budget authority for the increased costs.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

SE TRANSMISSION SOUTHEAST TRANSMISSION MAIN AGREEMENT.

Agenda Report No. 01-0988.

On June 5, 2001, the City Council approved the Wholesale Water Sales Agreement to provide water to the City of Derby. The Southeast Transmission Main will supply water to the City of Derby, as well as reinforcing the southeast portion of the City's water system. The CIP to fund the main was approved by City Council on June 19, 2001.

The first phase of the project is a study to determine an appropriate route for the transmission main and the optimum size pipeline that will best serve both Derby and the southeast portion of the City's water system. On July 30, 2001, the Staff Screening and Selection Committee considered five firms to perform these studies. It is recommended that the firm of Mid-Kansas Engineering Consultants (MKEC) be retained.

Southeast Transmission Main (CIP W-884) has a budget of \$5.7 Million. The Agreement for route and sizing studies is in the amount of \$25,960.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES DESIGN SERVICES FOR SUPPLEMENTAL – WATER DISTRIBUTION SYSTEM NO. 448 89415 – 13TH STREET TO 21ST STREET, HYDRAULIC TO HILLSIDE. (District I)

Agenda Report No. 01-0989.

On October 12, 1999, the City entered into an Agreement with Professional Engineering Consultants, P.A. (PEC) for designing Water Distribution System No. 448 89415. The fee was \$59,000.

PEC has been asked to redesign the water line along Volutsia between 17th and 18th Street (from the east side of the street to the west side) and adding additional water line to complete a loop that wasn't in the original scope of services.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

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DESIGN SERVICES

DESIGN SERVICES AGREEMENT FOR WHISPERING BROOK COMMERCIAL SECOND ADDITION – SOUTH OF 37TH STREET NORTH, WEST OF WOODLAWN. (District I)

Agenda Report No. 01-0990.

The City Council approved the project on July 24, 2001.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond financed improvements in Whispering Brook Commercial 2nd Addition. Per Administrative Regulation 7a, staff recommends the selection of PEC because PEC provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$17,500, and will be paid by special assessments.

Motion --

-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

DESIGN SERVICES

RIVERSIDE PARK IMPROVEMENTS AND RENOVATIONS. (District I)

Agenda Report No. 01-0991.

On November 14, 2000, the City Council approved an architectural contract with Wilson Darnell Mann P.A. to design improvements and renovations to the Riverside Park system. Wilson Darnell Mann P.A. has exhausted the schematic design and public meeting portion of original contract as it has developed and presented designs and specifications in meetings before City staffers, City Advisory Boards and concerned neighborhood groups.

This Contract Amendment will enable Wilson Darnell Mann P.A. to present their Riverside Park system designs and specifications to the Wichita City Council, and then to incorporate the Council's comments and changes into their designs before providing a final presentation to the Riverside Citizens Association.

The 2000-2001 CIP (PB-390010) has a total of \$3,000,000 budgeted for these improvements and renovations. This Contract Amendment requesting \$6,550 for project design and specification presentations will not exceed the CIP project budget. Payments to the design consultant will be made after September 30, 2001.

Motion --

-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

DESIGN SERVICES

HARRISON PARK SECOND ADDITION – EAST OF WEBB, NORTH OF LINCOLN. (District II)

Agenda Report No. 01-0991.

On November 14, 2000, the City Council approved an architectural contract with Wilson Darnell Mann P.A. to design improvements and renovations to the Riverside Park system. Wilson Darnell Mann P.A. has exhausted the schematic design and public meeting portion of original contract as it has developed and presented designs and specifications in meetings before City staffers, City Advisory Boards and concerned neighborhood groups.

This Contract Amendment will enable Wilson Darnell Mann P.A. to present their Riverside Park system designs and specifications to the Wichita City Council, and then to incorporate the Council's comments and changes into their designs before providing a final presentation to the Riverside Citizens Association.

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The 2000-2001 CIP (PB-390010) has a total of \$3,000,000 budgeted for these improvements and renovations. This Contract Amendment requesting \$6,550 for project design and specification presentations will not exceed the CIP project budget. Payments to the design consultant will be made after September 30, 2001.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES PUBLIC HOUSING EXTERIOR FACADE PROJECT – NORTHEAST WICHITA.

Agenda Report No. 01-0993.

The City's Housing Services Department's Fund five-year Action Plan included the redesign of exterior facades of older properties located in the northeast area of Wichita.

The Capital Program is scheduled to make exterior improvement to forty-two (42) dwellings over a three-year period. The improvements are in addition to other improvements scheduled to be done in the adjacent area over the next few years.

A request for Proposal for Design of exterior facades was sent out to ten (10) Architectural firms and two (2) firms responded. A Staff Selection Committee reviewed the proposals based on the following criteria: Cost (50%); experience (25%); and proposal content (25%).

Bruce Wrightsman, Architect, provided the best proposal, meeting or exceeding specifications. The proposal quoted a cost of \$6,000, plus mileage and expenses.

Cost of design and construction services will not exceed the budgeted amount of \$20,000. Funding for the project is included in the Capital Fund Program FFY 2000 Budget.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

CHANGE ORDER CENTRAL AND RIDGE ROAD INTERSECTION IMPROVEMENT. (District V)

Agenda Report No. 01-0994.

On March 20, 2001, the City Council approved a contract to reconstruct the intersection of Central and Ridge Road. During the initial stages of the work, it was determined that the existing pavement that will be retained is much more distressed than anticipated. Therefore, it is desirable to provide an asphalt overlay over the entire area of the pavement, except for a portion of Ridge Road.

A Change Order has been prepared that authorizes the additional work. Funding is available within the project budget.

The total cost of the additional work is \$162,275 with 20% paid by the City and 80% by Federal Grants administered by the Kansas Department of Transportation.

The Change Order amount is within the 25% of the construction Contract cost limit set by the City Council policy.

Motion -- Knight moved that the Change Order be approved and the necessary signatures be authorized. Motion
-- carried carried 7 to 0.

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CHANGE ORDER

2001 CONTRACT STREET MAINTENANCE PROGRAM. (District V)

Agenda Report No. 01-0995.

On February 6, 2001, the City Council approved the 2001 Street Maintenance Program. A part of the work is placing an asphalt overlay on residential streets. In order to take advantage of favorable bid prices and to maximize the available funds, it is proposed that the project scope be expanded to include the Amarado Estates Neighborhood located north of 13th, east of Maize Road.

A Change Order has been prepared that authorizes the additional work. Funding is available within the project budget.

The total cost of the additional work is \$24,150. The funding source is the General Fund.

The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion --
-- carried

Knight moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CHANGE ORDER

2001 CONTRACT STREET MAINTENANCE PROGRAM. (Districts II, IV and VI)

Agenda Report No. 01-0996.

On February 6, 2001, the City Council approved the 2001 Street Maintenance Program. A part of the work is milling street surfaces and laying an asphalt overlay. During the milling process, manholes were encountered that were buried under old pavement. Those manholes should be repaired and adjusted to the new street grades.

A Change Order has been prepared that authorizes the additional work. Funding is available within the project budget.

The total cost of the additional work is \$43,500. The funding source is the Sewer Utility.

The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion --
-- carried

Knight moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CHANGE ORDER

STREET PAVING IN LEGACY PARK WILSON ESTATES ADDITION – SOUTH OF 21ST, WEST OF WEBB. (District II)

Agenda Report No. 01-0997.

On June 20, 2000, the City Council approved a construction contract to pave Wilson Estates Parkway in Legacy Park Wilson Estates Addition, a new commercial development. The developer has requested that the project be expanded to include manhole adjustments to match the dirt fill that he added to his property.

A Change Order has been prepared that authorizes the additional work. Funding is available within the project budget.

The total cost of the additional work is \$16,150. The funding source is special assessments.

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The Change Order amount is within the 25% of the construction Contract cost limit set by the City Council policy.

Motion --
-- carried

Knight moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CHANGE ORDER

K-96 BICYCLE PEDESTRIAN PATH THROUGH CHISHOLM CREEK PARK AND ALONG K-96, FROM OLIVER TO EAST OF WEBB ROAD. (Districts I and II)

Agenda Report No. 01-0998.

On October 3, 2000, the City Council approved a contract with Ritchie Paving to construct a bicycle/pedestrian path through Chisholm Creek Park and near K-96, from Oliver to east of Webb Road. The project is being funded with 80% Federal Funds.

A Change Order has been prepared that authorizes the additional work. During the initial design phase, it was determined that a portion of the path would be constructed over an existing drainage structure that carries drainage runoff under K-96 along the eastbound Woodlawn off ramp. The design concept was approved by the Kansas Department of Transportation (KDOT). As construction progressed in this area, KDOT officials became concerned about the integrity of the guardrail supporting posts that are adjacent to both the off ramp and the bicycle path. Consequently, KDOT insisted on changes to the path in this area which will require significant modifications to the drainage structure to allow the path to be elevated approximately two feet higher than initially contemplated.

In addition, a marked crosswalk will be installed across Oliver at the entrance to Chisholm Creek Park, additional signs will be installed along the path to warn bicyclists of obstructions along the path and minor modifications will be made to the surface of the path at nine locations to provide for the installation of decorative distance markers.

The total cost of the additional work is \$64,098.01. Federal Funds will pay for 80% of the increased costs with the exception of the work related to the installation of the decorative distance markers.

The Change Order amount is within the 25% limit of the initial contract amount as set by City Council policy.

Motion --
-- carried

Knight moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

TRADE CORRIDOR

FUNDING FOR USA OFFICE - NORTH AMERICAN INTERNATIONAL TRADE CORRIDOR PARTNERSHIP.

Agenda Report No. 01-0999.

To take advantage of the passage of the North America Free Trade Agreement (NAFTA), cities in the United States, Canada and Mexico have worked together to create an international trade corridor in North America. Based on a series of meetings representing more than 100 cities in Mexico, Canada and United States, the North American International Trade Corridor Partnership (NAITCP) established international headquarters in the City of San Nicolas near Monterrey, Mexico in November, 1998. Its purpose was to promote sustainable economic development and cultivate business opportunities along the north-south NAFTA corridor. Since that time, attempts to create United States regional office have not met with success. As a consequence, the United States, as a partner with Canada and Mexico, lacks structure and a coordinated approach to NAITCP issues, financing, organizational structure and policy.

According to the Massachusetts Institute of Social and Economic Research, during the period 1993-98, Kansas ranked 1st in overall increase in exports to NAFTA increasing exports by 97% overall and increasing exports to Mexico by 167% (see table below*). To provide United States leadership in NAITCP issues, the City of Wichita offered to serve as the site for the interim NAITCP-USA office. At

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a meeting held in Wichita on August 22, 2001, the United States members approved the City of Wichita as the location of its interim USA office, subject to City Council approval.

*BIGGEST WINNERS IN NAFTA BY STATE - 1993-1998

Increases in Exports by State

State	NAFTA Gain Overall	Mexico
Kansas	97%	167%
California	95%	109%
Minnesota	82%	262%
Georgia	78%	248%
Missouri	57%	123%
Delaware	56%	81%
Indiana	47%	170%
Maryland	37%	264%
Connecticut	31%	64%
Massachusetts	30%	59%

The interim U.S. Office would be established in City Hall (or any other convenient location) and initially staffed by an interim volunteer Executive Director and assisted by graduate students from the local universities and community college. All of these resources will be asked to provide assistance in the form of interpreters, translation services for documents, exchanges with other NAITCP communities, office assistance, workforce analysis, economic analysis and related services. The City of Wichita will provide the office, telephone, computer services, marketing services, and other related expenses.

The total estimated budget for the interim period will be \$40,252. Matching in-kind funds will be sought from various agencies. Anticipated grant funding will be used to offset costs associated with the interim office. Funding is also available from the Economic Development Trust Fund, if required. Financing for subsequent years will be determined by the NAITCP-USA Board.

The NAITCP-USA Board has appointed an interim Executive Director; the U.S. National office will be overseen by an Executive Committee of the U.S. Board. Legally, the U.S. office will be required to file in the State of Kansas pursuant to K.S.A. 17-7301 an application for authority to do business in Kansas.

Motion --
-- carried

Knight moved that funding assistance and contracts, as necessary, for this project be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

IRB HALL'S CULLIGAN

HALL'S CULLIGAN WATER – REQUEST FOR EXTENSION OF LETTER OF INTENT AND WAIVER OF PAYMENT AND PERFORMANCE.

Agenda Report No. 01-1000.

On October 24, 2000, City Council approved a Letter of Intent for Industrial Revenue Bonds to CRH Ltd., doing business as Hall's Culligan Water ("Culligan Water"), in an amount not-to-exceed \$3.7 million, and a five-year 100% tax abatement on bond-financed improvements. Bond proceeds will be used to finance the cost of acquiring, constructing and equipping a corporate office, manufacturing plant and warehouse facility. The new facility will be located at Webb Road and 26th Street North in northeast Wichita. Hall's Culligan Water has made substantial progress on construction of its new corporate office; however, it does not appear that construction will be complete by the time the Letter of Intent will expire. The company is now requesting an extension of six-months of the Letter of Intent until April 24, 2002.

Culligan Water is a franchise of Culligan Water Technologies. Culligan Water's business is water quality improvement for homeowners, commercial and establishments, and industry. While a portion of the Project's use will be to serve local customers, the facility will also act as a regional water bottling

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plant and Ultra Pure water equipment manufacturing plant. The bottled water will be distributed state-wide, and the equipment manufactured at the Project will be shipped to customers and Culligan dealerships nationwide.

The Project will also serve as the corporate headquarters for the six Culligan dealerships operated by Culligan Water. Four of these dealerships are located in Kansas and two are located in the state of Ohio. The new 52,000 SF facility will provide corporate headquarters functions for these locations, including management, marketing, payroll and accounting. Culligan Water currently has a total of 70 employees located in Wichita, and has committed to hire 15 new employees (in Wichita) over the next five years.

The Company plans to privately place the bonds with a financial institution. The Company agrees to comply with the City's requirements contained in the Standard Letter of Intent Conditions.

There is no financial impact on the City resulting from the requested extension.

It is contemplated that the project will be substantially completed by December 31, 2001, except for punch-list items. The company has requested that the City's normal payment and performance bond requirements be waived, because the project contracts were initially set up for reimbursement financing, without contractor bonds. To protect against liens, Bond Counsel will insert requirements in the Bond Documents requiring the Trustee to obtain lien releases before reimbursing construction expenses.

Motion --

Knight moved that an extension of the IRB Letter of Intent to CRH Ltd. for a six-month period, ending April 24, 2002, and waiver of the requirement for a payment and performance bond on the project be approved. Motion carried 7 to 0.

-- carried

WATER APP.

APPLICATION FOR CITY WATER SERVICE OUTSIDE CORPORATE LIMITS.

Agenda Report No. 01-1001.

This is an application for water service outside the corporate limits of the City of Wichita, Kansas, for the address of 10628 E. Pawnee. The property owner would like to have City water, but the property has not been annexed. Coinciding with the Application/Agreement, the property owners will not oppose annexation and will agree to all covenants.

The owner of the property has paid the tap fee of \$1270 and an in lieu of assessment fee of \$1900.

Motion --

Knight moved that the Application/Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

ANTI-LITTER

ANTI-LITTER AND ENVIRONMENTAL EDUCATION/MARKETING AGENCY.

Agenda Report No. 01-1002.

The City of Wichita has experienced increasing occurrences of littering, Illegal dumping, and vandalism that harms the community's image and creates significant environmental cleanup costs. Moreover, these unnecessary costs are borne by taxpayers, approximately (\$1.6 million by the City last year) collecting and disposing of litter/debris, repairing vandalism to public property, and participating in environmental and neighborhood cleanup projects.

These unnecessary costs and the increase in vandalism, litter and other problems have necessitated an effort to increase public awareness to curb littering, illegal dumping, vandalism and destruction and defacing of public property by initiating the "Don't Trash Wichita" Campaign. This campaign consists of: ordinance revisions to increase penalties for littering, illegal dumping, and vandalism offenses; a major public relations campaign to promote prevention and awareness; and greater emphasis on partnerships with neighborhood and community groups to increase volunteer clean-up activities. The

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intended outcomes will be a cleaner community, lower costs to taxpayers, and better environmental conditions.

Efforts need to be made to educate the community on proper disposal of litter and trash. As part of this educational campaign, City staff will work with neighborhoods to develop a volunteer program for picking-up litter on streets and arterials. To remind citizens of their responsibility to be good environmental stewards, the City will engage in a multifaceted marketing campaign including billboards, print and electronic media. The campaign will be a constant reminder to not "trash Wichita" and will also provide information on how to best dispose of waste (litter).

A Request for Proposals (RFP) to assist in this major marketing effort was initiated; three firms responded. The recommendation of a staff review team was to support a contract with the Greteman Group as the agency of record. This firm was selected based upon creativity, the qualifications of this firm's staff, and the firm's ability to develop and implement an effective community-wide campaign in a timely manner.

Funds to carry out this program are budgeted in the Environmental Education fund, not exceeding \$100,000.

Motion --
-- carried

Knight moved that the agency and Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

BASEBALL COMPLEX NORTHEAST BASEBALL/SOFTBALL COMPLEX. (District II)

Agenda Report No. 01-1003.

In December 1995, the Northeast Baseball/Softball Association (NBSA) proposed a partnership with the City of Wichita, Parks and Recreation Department to develop a Northeast Baseball/Softball Complex.

The complex initially would consist of four softball fields. The complex would have ten fields when completed. Other improvements would include but not be limited to parking, concessions, restroom facilities, lighting, fencing, dugouts, bleachers, irrigation systems, maintenance facility, art, etc. The master planning design for the baseball/softball complex is complete.

The estimated design cost is \$50,000. The project is authorized in the 2001-2010 Capital Improvement Program. The funding source is General Obligation Bonds. (Project No. 435322, OCA No. 792352)

Motion --
-- carried

Knight moved that the project be approved; the Resolution be adopted; and staff be authorized to select a design consultant. Motion carried 7 to 0.

RESOLUTION NO. 01-365

A Resolution approving the initiation of a project to construct baseball and softball facilities and related improvements; finding it necessary to begin the design of such facilities; and declaring it to be the intention of the governing body to issue General Obligation Bonds of the City in an amount not to exceed \$50,000 to pay all or a portion of the costs of such project, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

POLICE GRANT

2002 AND 2003 KANSAS CLICKS STEP GRANT APPLICATION – POLICE DEPARTMENT.

Agenda Report No. 01-1004.

The KANSAS CLICKS special enforcement program provides overtime pay for officers enforcing occupant protection laws. This program is designed to help local police departments and sheriff's officers dedicate officer time and resources to ensure citizens are wearing safety belts. This is the

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second year for the program and the first year of participation for the Police Department. The program is managed by the Kansas Department of Transportation - Bureau of Traffic Safety and emphasizes seatbelt enforcement during six specific periods: Thanksgiving Holiday, Drunk and Drugged Driving month, Child Passenger Safety Week, Memorial Day/Buckle Up America Week, Independence Holiday, and Labor Day.

During 2000, the Police Department issued 11,905 citations for seatbelt violations and 1,429 citations for child passenger safety violations. As of July, the department recorded 4,930 traffic accidents, a one percent increase, as compared to the same time period in 2000. The Police Department recorded 10 fatality accidents in 2000, and 13 fatality accidents through July 2001. Increased enforcement and education will potentially reduce the number of these fatality accidents and increase awareness of the seat belt law.

The Kansas Department of Transportation will reimburse the Police Department for work completed and actual costs incurred for commodities not to exceed the amount of the grant, which is currently estimated at \$15,000.

Motion --
-- carried

Knight moved that the grant application and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

TRANSIT GRANT

COMPREHENSIVE TRANSPORTATION PROGRAM GRANT – WICHITA TRANSIT.

Agenda Report No. 01-1005.

On May 10, 1999, the Governor signed into law House Bill 2071 which provides for a new State Comprehensive Transportation Program (CTP). The CTP provides funding to address highway, shortline railroad, aviation and public transportation needs over the next ten years.

Under the provision of the CTP, the City of Wichita has been allotted \$1,168,200 for FY 2002 (July 1, 2001 through June 30, 2002) which may be used for capital or operating expenditures.

The KDOT grant application process requires official action by the governing body authorizing the filing of grant applications, execution of approved grants, and receiving funds to administer the grant's Program. The purpose of this action is to authorize the City Manager to file for eligible State funds in support of the City's Transit services for 2000 and 2001 capital purchases and operations. This action is identical to what the City filed for KDOT's FY 2000 funds last January.

The grant, if approved, will provide for the following:

- Continued purchase of 24 buses and associated accessories;
- Continuing KDOT-funded Service improvements, including operation and maintenance personnel costs, maintenance parts, equipment overhauls, associated fuels, a planning study, and administrative support.

KDOT funds provide for the local share match for federal funds.

Motion --
-- carried

Knight moved that the Grant application, receipt of funds, and Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

SECTION 8

AMENDMENT OF 2001 AGENCY PLAN AND SECTION 8 ADMINISTRATIVE PLAN.

Agenda Report No. 01-1006.

Local Housing Authorities are required to develop a written administrative plan that establishes local policies for administration of the Section 8 program in accordance with HUD requirements. The plan must state the Housing Authority's policy on matters for which the HA has discretion to establish local policy. Examples of subjects which must be covered are the waitlist administration, including preferences; occupancy policies; subsidy standards; standards for determining size of unit for which a

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family may qualify; informal review procedures for applicants; hearing procedures for participants; special programs, e.g. FSS and Homeownership. The amendment to the Agency Plan allows establishment of local preferences and establishment of a single waitlist. A public hearing was held by the Housing Advisory Board on August 21, 2001 for the 2001 Plan Amendments. The Housing Advisory Board also reviewed and recommended approval of Section 8 Administrative Plan.

In the past few years, there have been extensive changes in Section 8 programs, including passage of the Quality Housing and Work Responsibility Act of 1998 (QHWRA). In addition HUD has developed new programs such as the Section 8 Homeownership Option, the Family Self Sufficiency program, and the Mainstream Program for Persons with Disabilities. The Section 8 Certificate program is being phased out, and all new funding and renewals are now coming under the new Housing Choice Voucher Program.

Each of these programs and many of the regulatory changes issued by HUD have required amendments and additions to the Section 8 Administrative Plan. In view of the fact that there had not been a comprehensive review of the entire Administrative Plan since it was first adopted, the broad changes made by the QHWRA and subsequent rulemaking by HUD, the proliferation of special programs, as well as local changes, combined to call for an across the board revision.

Based on a template provided by the National Association of Housing Redevelopment Organizations (NAHRO) which accounts for all of the recent changes, staff has developed a revised Administrative Plan that was previously provided to Housing Advisory Board members for review.

The Amendment to the Agency Plan allows Section 8 Administrative Plan with local preferences to become effective immediately. The local preferences established are currently served by separate Waitlists and must be merged to comply with HUD requirements.

This administrative plan will bring the agency into compliance with the Quality Housing and Work Responsibility Act of 1998, and current HUD regulations.

Motion --
-- carried

Knight moved that the Amendments to the 2001 Agency Plan and the Section 8 Administrative Plan be approved and the necessary signatures be authorized. Motion carried 7 to 0.

TITLE INSURANCE

TITLE INSURANCE, ABSTRACT AND OTHER RELATED SERVICES – SELECTION OF VENDOR.

Agenda Report No. 01-1007.

City departments require various types of title, abstract and closing services. To obtain the most qualified title company to provide this service at a cost that would be beneficial to the City, a Request for Proposal was sent to sixteen vendors and five responded.

A selection committee made up of representatives from Housing, Legal, Central Inspection, Planning and Property Management reviewed the proposals. Each proposal was evaluated on the basis of qualifications, reference, experience, price, time to perform assignments. Based on these criteria, O'Rourke Title was recommended to provide title services.

The contract will not obligate the City to any specific purchases or volume of purchases on title services but provides the City the ability to obtain title and closing services from a qualified, cost-effective vendor. The contract provides for various types of title, abstract, and closing services to be provided on a fixed cost per item.

The contract will be for one year with annual renewal options for an additional two years.

Motion --
-- carried

Knight moved that the selection and contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

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COMPUTER

COPIER/NETWORK PRINTER/FAX/SCAN MACHINES.

Agenda Report 01-1008.

Copiers are funded from Stationery Stores, an internal service fund that provides copy machines for all City departments and divisions. The current analog copiers have been on contract for five (5) years. The departments are charged .04 cents cost per copy. This cost includes all toner, paper and repairs to the copy machine. A Request for Proposal (RFP) was developed and sent to thirteen (13) vendors to provide newest technology with network capabilities on a copier/ network printer/ fax/ scan machines. Nine (9) vendors responded.

A staff committee from the Finance Department reviewed the proposals to select a vendor based on their qualifications, competence and capacity to provide the most beneficial copy, print, fax and scan solution for the City of Wichita. IKON is the recommended vendor to provide approximately eighty-three (83) copier/ network printer/ fax/ scan machines. Technology advancements included in these multi-functional machines can be connected to the network system or used as stand alone digital machines. All the multi-functional machines have the capability to be connected to the City's network system. The City will receive a greater benefit if these machines replace most of the network and slave printers. Cost per copy charge at 710,000 copies per month is .037 cents per copy and the cost per copy charge at 1,000,000 copies per month is .030 cents per copy.

Funding for copier/ network printer/ fax/ scan machines is in the Stationery Stores Copier Internal Service Fund.

Motion --
-- carried

Knight moved that the selection and Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

COLEMAN IRB

RELEASE OF INDUSTRIAL REVENUE BOND PROPERTY - THE COLEMAN COMPANY, INC. (District V)

Agenda Report No. 01-1009.

On August 10, 1993 the Wichita City Council approved the issuance of \$10,036,800 million in Industrial Revenue Bonds, Series VIII, 1993. Bond proceeds were used for the purpose of purchasing, acquiring, constructing and equipping improvements located at 250 N. St. Francis and 235 N. St. Francis. A number of parity bond series were issued from 1993 to 2000, under supplemental Indentures. The Bonds are secured, in part, under a Site Lease and a Lease Agreement with The Coleman Company, Inc. ("Tenant"), and under the Bond Indenture.

Coleman desires to sell its downtown Wichita office facility, and, in its dual capacities as Tenant and Bondholder, requests the City to amend the Bond Documents to release the property.

The Bond Documents can be amended to exclude Coleman's downtown office facilities by consent of the parties to the Lease, Site Lease and Indenture. Because the Tenant and its properties are involved in the Sunbeam bankruptcy, approval by the bankruptcy court will also be required. Prior to delivery of amending documents, Coleman will furnish evidence of necessary consents, and court approval.

Coleman will pay the expenses incurred in documenting the necessary amendments and publishing the authorizing Ordinance. Assets released from the Bond Documents will lose any tax-exempt status.

Motion --
-- carried

Knight moved that the documents be approved; the Ordinance be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

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HEALTH FUNDS

TRANSFER ENVIRONMENTAL HEALTH CONTINGENCY FUNDS.

Agenda Report No. 01-1010.

It is proposed to transfer \$18,500 from the general Environmental Health contingency to hazardous materials disposal account in the Health Department Budget. The contingency was originally created to assist small businesses dispose of hazardous materials. These businesses currently utilize the disposal contractor for the household hazardous materials collection site, making the funds available for disposal of "orphan" hazardous materials found on public property.

To date, the Health Department has disposed of twelve (12) barrels of hazardous materials abandoned on public property, at a cost of \$7,659. Disposal cost per barrel has ranged from \$180 to \$2,500, depending on contents. An additional ten (10) barrels have been located, or have been picked up and in storage. Disposal of materials on hand, and reimbursement of accounts used for prior disposal, will require approximately \$14,000 to cover these expenses. Staff estimates that the remaining \$4,500 in contingency funds will be required for disposal of materials during the remainder of the year.

Funds in the contingency total \$18,500. The Finance Department has approved the transfer.

Motion --

Knight moved that the budget adjustment transferring \$18,500 in the Environmental Health budget (OCA 142000) from Contingency (Object Level 3 #5300) to Hazardous Waste Disposal (OL3# 2108) be approved. Motion carried 7 to 0.

-- carried

EQUIPMENT

AUTOMATIC EMERGENCY GENERATOR FOR REFRIGERATOR/FREEZER UNITS.

Agenda Report No. 01-1011.

The Health Department's vaccine inventory is stored in a refrigerator/freezer unit at the Health Department at 1900 East 9th. There is currently an alarm system that triggers an emergency telephone calling system, which dials three telephone numbers of employees that are notified in case of a power failure or loss of temperature in these units. Due to possible malfunction of the emergency telephone calling system, it is recommended that an automatic emergency generator would be the most effective way to avoid loss of vaccine due to a power outage.

There are currently over 27,000 doses of vaccine housed in these units, which represents thousands of dollars worth of vaccine provided by the Kansas Department of Health and Environment (KDHE), for child immunizations; and vaccine that is purchased by the Health Department for travel, flu and routine adult immunizations. The Health Department staff and personnel at KDHE have determined that a reliable automatic emergency generator was essential for safe vaccine storage to avoid possible loss of vaccine. The automatic emergency generator should prevent the loss of vaccine due to power outage, thereby reducing the risk of loss of revenue. The estimate to purchase the automatic emergency generator totals \$10,978. The generator is guaranteed for one year and the engine is guaranteed for two years. The engine will need periodic, routine maintenance, but the generator itself, according to the manufacturer, should not wear out if used only in emergency situations.

Purchase of the automatic emergency generator has been included in the Budget for 2002. Funds are available (through a budget adjustment) from the General Administration budget.

Motion -- carried

Knight moved that the purchase and necessary signatures be approved. Motion carried 7 to 0.

WEBB ROAD RES.

MODIFICATIONS TO WEBB ROAD RESERVOIR.

Agenda Report No. 01-1012.

Most of the City receives water pumped directly from the Hess Pump Station, located near the Water Treatment Plant. Because elevation of the ground increases in the northeast corner of the City, there are

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two areas where water pressure must be boosted by supplemental pumps. Two pump stations provide the supplemental pumping to one of those areas, the 37th Street Pump Station, located on 37th Street between Woodlawn and Rock Road, and the Webb Road Pump Station, located at 21st and Webb Roads. The Webb Road Pump Station includes a 10-million gallon storage reservoir that provides the water for the pumps.

The City currently has a contract with TEC Engineering to design and implement a project to automate the operation of the water pump stations. During their research, TEC found that the piping and valves used to fill the 10-million gallon reservoir at the Webb Road Pump Station are inefficient and have deteriorated. By using the design/build approach, the engineer and contractor will work together to develop the most cost-effective way to meet the goals of efficiently filling of the reservoir, utilizing existing structures to reduce costs, and minimizing downtime for the reservoir. Staff believes this project is a candidate for a design/build project.

It is estimated that these improvements will cost approximately \$350,000. Funding is available in CIP W-882, Webb Road Satellite Pump Station.

Motion --
-- carried

Knight moved that the project be approved as design/build and Staff be authorized to request proposals. Motion carried 7 to 0.

RIVER FESTIVAL

RIVER FESTIVAL POLICE SERVICES PAYMENT.

Agenda Report No. 01-1013.

In May of this year, The Wichita River Festival celebrated 3430 years of existence. It began as a single day event and several years later the Festival was extended to ten days. Today, the Festival is one of the most successful events of its kind. The Festival has grown to encompass more than 80 events and generates more than \$17 million in the local economy. A staff of seven full-time employees with three seasonal employees and more than 4,800 volunteers support this program.

Each year the attendance at the Wichita River Festival continues to grow. The Wichita River Festival attracts people from the Wichita community and communities across Kansas. The Festival relies on corporate sponsors, the sale of buttons and donated services to ensure a successful operation. Security services are tantamount to safe, secure and well-organized events. The Festival is requesting the City of Wichita contribute \$12,500 to assist with paying for such services.

Funds are available in the Police Department Budget to assist with costs associated with security.

Motion --
-- carried

Knight moved that funding assistance for River Festival security activities be approved. Motion carried 7 to 0.

LLEBG

LOCAL LAW ENFORCEMENT BLOCK GRANT.

Agenda Report No. 01-1014.

In July 2001, the City was again notified it is eligible to receive Local Law Enforcement Block Grant (LLEBG) funding for the Year 2001. This is the City's sixth year to receive funding under the LLEBG program. The federal award of \$484,222 requires a 10 percent local match. The City Council authorized the Police Department on July 17, 2001, to use \$53,802 in Narcotics Seizure funds for matching purposes. The total project budget will be \$538,024.

The LLEBG agreement states that before any obligation or expensing of funds can occur, an advisory board must be established and allowed to provide non-binding recommendations toward obligating and/or expensing of such funds. On August 22, 2001, the Advisory Board convened to make non-binding recommendations on the use of 2001 LLEBG funds. During the meeting, the Board approved the 2001 LLEBG funding as follows: \$39,275 for the youth program coordinator, \$134,506 for Municipal Court service officers, and \$364,243 for Police equipment and overtime.

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The 2001 LLEBG federal award is \$484,222. The local match of \$53,802 will be funded from Narcotics Seizure funds, which has sufficient funding to cover local match requirements.

Motion --
-- carried

Knight moved that the application and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

LIEN RELEASES

RELEASE OF HARDSHIP DEFERRAL LIENS.

Agenda Report No. 01-1015.

During the past year, various property owners applied for Special Assessment Hardship Deferrals to defer payments of special assessments. Each property owner signed a Lien Agreement with the City of Wichita that was filed with Sedgwick County Register of Deeds.

Hardship Deferral Program guidelines state that if property ownership changes, the assessment will be paid or placed on the tax roll. Three (3) properties have had a change in ownership and the assessments have been placed on the tax roll for 15 years beginning 2001.

There is no cost to the City of Wichita.

Motion --
-- carried

Knight moved that the Release of Hardship Deferral Lien Agreements be approved and the necessary signatures be authorized. Motion carried 7 to 0.

WEAPONS

WEAPONS DESTRUCTION.

Agenda Report No. 01-1016.

The Police Department has requested authorization to destroy several weapons which have been confiscated in criminal activity but are no longer needed as evidence.

City Code provides that weapons seized in connection with criminal activity shall be destroyed or forfeited to the Wichita Police Department. All transactions involving weapon disposal must have prior approval of the City Manager. A list of weapons being destroyed has been provided and includes a total of 239 handguns and 82 long guns. The destruction of the weapons will be witnessed and monitored by Staff.

Motion -- carried

Knight moved that the list of weapons be received and filed. Motion carried 7 to 0.

SPECIALS

PROPOSED SPECIAL ASSESSMENT ROLLS.

Proposed Assessment Rolls have been prepared for 16 paving projects, and it is necessary to set a public hearing date. Informal hearing with City personnel will be held October 1, 2001.

Motion --
-- carried

Knight moved that the public hearing be set for 11:00 a.m., Tuesday, October 16, 2001. Motion carried 7 to 0.

RR CROSSING

AMENDING RESOLUTION – BURLINGTON NORTHERN AND SANTA FE RAILWAY CROSSING AT PAWNEE. (District III)

Agenda Report No. 01-1018.

On May 25, 1999, the City Council approved a phase I contract to provide 30% plans for the grade separation of the Burlington Northern & Santa Fe crossing at Pawnee. On June 12, 2001, the City Council approved a Supplemental Agreement for the preparation of final construction plans.

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An amending Resolution has been prepared to authorize funding for the additional work.

The estimated design cost is \$1,250,000. The City will make payment to the design consultant from funds provided by TEA-21 (Federal).

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-366

A Resolution amending Resolution No. R99-172 of the City of Wichita, Kansas, finding it necessary to make certain improvements at the intersection of the Burlington Northern Santa Fe Railroad and Pawnee Avenue, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

STREET LIGHTING

STREET RESOLUTION NO 2-01.

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-377

A Resolution approving Street Lighting Resolution No. 2-01, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCES

FIRST READING ORDINANCE:

Special assessments – weed mowing.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas, introduced and under the rules laid over.

SECOND READING ORDINANCE: (FIRST READ AUGUST 21, 2001)

a) ZON2000-46– Southeast corner of 135th Street West and 21st Street North. (District V)

ORDINANCE NO. 45-040

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2000-46

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PLANNING AGENDA

Knight moved that the Planning Agenda, except Items 63 and 64, be approved as consent items.
Motion carried 7 to 0.

VAC2001-00027

VAC2001-00027 - VACATE ENTIRE L & D TAYLOR PLAT - GENERALLY LOCATED SOUTHWEST OF 63RD STREET SOUTH AND HYDRAULIC INTERSECTION. (District III)

Agenda Report No. 01-1020.

The applicant is requesting consideration to vacate the entire 10 acres of the L&D Taylor Addition final plat. The plat was approved by the City of Haysville on 04-28-97 and by the Sedgwick County Commission on 06-18-97. It was recorded 06-20-97. The property was annexed into the City of Wichita in 2000. The applicant is seeking to delay the payment of special assessments for the cost of constructing public improvements, in this case extending City water to the property. Charter Ordinance No. 139 provides City Council authorization to provide for a delay in payment of special assessments for the cost of constructing public improvements, not to exceed 15 years with a possible extension of 10 years if 50% or less of the property has not been developed. The conditions for consideration of the delay of payment of special assessments for the cost of constructing public improvements are as follows;

- (1) The land is in excess of 2 ½ acres.
- (2) Has not been platted
- (3) Primarily used for agricultural purposes
- (4) Has a population density of less than one family per acre
- (5) Not served by public improvement

The applicant meets conditions 1, 4 and 5. The applicant's property is classified under the KSCAMA system land use code as #811; Farm – Ranch with Residential & Farm improvements. This corresponds with the MAPD Land Use category as Agriculture, thus the applicant meets condition #3. The applicant's property is platted, so it does not meet condition 2, thus the applicant's request. The property is developed with a house, garage and lagoon; prior to developing the property the applicant was required to plat it. This case is unique because of the financial hardship it places on the applicant, who desires City water.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

VAC2001-00029

VAC2001-00029 - REQUEST TO VACATE 210 FOOT BUILDING SETBACK, LOT 2, WEST KELLOGG POWER CENTER - GENERALLY LOCATED SOUTHWEST OF HOOVER AND TAFT INTERSECTION. (District V)

Agenda Report No. 01-1021.

The applicant is requesting consideration to vacate the 210-ft front building setback on Lot 2, West Kellogg Power Center. The applicant proposes to replace the 210-ft front building setback with a 30-ft setback line. The applicant has applied for an adjustment to CUP DP 221, concurrent with the vacation request, which would allow an increase of the number of buildings allowed on Lot 2 to go from 2 to 4 buildings. A 30-ft setback would allow this expansion of the number of buildings allowed on Lot 2. The parcel to the east (Lot 1, which is part of CUP DP 221) currently has a 35-ft setback. The applicant's request would leave a 5-ft difference between Lot 2's proposed 30-ft setback and Lot 1's

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35-ft setback. The applicant noted at the July 12, 2001 SD meeting that the adjustment to CUP DP 221 had been approved.

The owner of Lot 3, West Kellogg Power Center, which abuts on the east filed a written protest to the vacation request noting that they received the "courtesy" notice on the day (July 19, 2001) of the MAPC meeting, when this vacation was to be considered. The MAPC had recommended approval on July 19, 2001, but in consideration of the abutting landowner reconsidered August 23, 2001. The abutting owner's agent submitted a letter and testified at the MAPC hearing that the proposed new area for buildings adjacent to their parking lot would block visibility of the store. The applicant rebutted that the visibility of the store was already blocked by existing buildings and vegetation. The MAPC again recommended approval at the August 23, 2001 meeting.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

VAC2001-00032

VAC2001-00032 – VACATE TEN-FOOT UTILITY EASEMENT LOCATED SOUTHEAST OF THE HARRY/WEBB INTERSECTION. (District II)

Agenda Report No. 01-1022.

The applicant is requesting consideration to vacate a 10-ft utility easement between Lots 13 & 14, Block 4, Brentwood Village Addition. The applicant proposes to reduce the number of lots and make larger lots, this will be accomplished by a boundary shift.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

VAC2001-00035

VAC2001-00035 - REQUEST TO VACATE PLATTED 30 FOOT BUILDING SETBACK. GENERALLY LOCATED NORTHWEST OF 31ST STREET SOUTH – SENECA INTERSECTION, KELLY ELEMENTARY SCHOOL. (District IV)

Agenda Report No. 01-1023.

The applicant is requesting consideration to vacate the 30-ft building setbacks along the street frontage of south 31st Street and Diane Street. The 30-ft building setback is referred to in the plat text (Gene Douglas Matlock Addition, recorded 06-11-1953) as "Building Line Notes...Building line to be 30-ft from all frontages", there are no exceptions in the text to this note. The 30-ft building line is shown on all frontages of all lots but Lot 14, which is the apparent source of an existing encroachment. The applicant, USD 259, is proposing expansion of Kelly Elementary School, with a new building going up on the south 31st Street side and a paved parking lot going in on the Diane Street side. There is currently an existing encroachment (building) on the south 31st Street side from a previous expansion of the school. The proposed expansion will line up with this building from the previous expansion. This encroachment is 23-ft into the 30-ft building setback. There is an existing gravel parking lot and ingress /egress on the Diane Street side that will be paved over. This parking lot and drive encroaches 25-ft into the 30-ft setback. Parking lots are not allowed within front setbacks or any part of a require street side setback in zoning districts RR Rural Residential through MH Manufactured Housing; the applicant's property is zoned SF-5 Single Family Residential.

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No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

VAC2001-00036

VAC2001-00036 -REQUEST TO VACATE UTILITY EASEMENT. GENERALLY, LOCATED NORTHWEST OF MAIZE ROAD – CENTRAL AVENUE INTERSECTION. LOTS 2 AND 3, BLOCK A, TIMBER GROVE LAKES SECOND ADDITION. (District V)

Agenda Report No. 01-1024.

The applicant is requesting consideration to vacate a 20-foot utility easement between Lots 2 & 3 and a triangular portion of a utility easement on Lot 2, all in Block A, the Timber Grove Lakes 2nd Addition, recorded August 1994. The applicant is proposing the vacation to accommodate future development of the property. This subdivision is part of CUP DP-134 and any deviation from this CUP will require an amendment or adjustment to it.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DED2001-00022

DED2001-00022 -DEDICATION OF A UTILITY EASEMENT. GENERALLY LOCATED ON THE NORTH SIDE MAPLE STREET, EAST OF TYLER ROAD. (District V)

Agenda Report No. 01-1025.

This Dedication is a requirement of Lot Split No. SUB 2001-59, and is being submitted to allow for construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Knight moved that the Document be received and filed. Motion carried 7 to 0.

DED2001-00023

DED2001-00023 - PARTIAL DEDICATION OF ACCESS CONTROL. GENERALLY LOCATED ON THE NORTH SIDE OF MAPLE STREET, EAST OF TYLER ROAD. (District V)

Agenda Report No. 01-1026.

As a requirement of Lot Split No. SUB 2001-59, this dedication is being made for the purpose of access control except for one opening along Maple Street.

The dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Knight moved that the Document be received and filed. Motion carried 7 to 0.

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DED2001-00024

DED2001-00024 - DEDICATION OF A UTILITY EASEMENT. GENERALLY LOCATED ON THE EAST SIDE OF HILLSIDE, SOUTH OF 31ST STREET SOUTH. (District V)

Agenda Report No 01-1027.

This Dedication is a requirement of Lot Split No. SUB 2001-69, and is being submitted to allow for construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Knight moved that the Document be received and filed. Motion carried 7 to 0.

SUB2001-00006

SUB2001-00006 - PLAT OF SCHULTE COUNTRY STORAGE ADDITION. GENERALLY LOCATED NORTH OF K-42 AND MACARTHUR ROAD, WEST OF MAIZE.

Agenda Report No. 01-1028.

This plat is located in the County within three miles of Wichita's City limits. A zone change (ZON 2000-39) from SF-20, Single-Family Residential to GC, General Commercial, has been approved for this site subject to platting. The plat is also subject to a Protective Overlay established by ZON 2000-39, addressing uses, outside storage, screening, signage, height and architectural design.

The site has been approved by the County Health Department for the use of on-site sanitary sewer and water facilities. Petitions, all 100%, have been submitted for future extensions of sanitary sewer and City water. A Protective Overlay Certificate was provided identifying the approved Protective Overlay. In order to provide access to the site from K-42 Highway, a cross-lot access easement was provided across the abutting property. The site is within the noise impact area of Wichita Mid-Continent Airport and an avigational easement and restrictive covenant were required.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petitions, avigational easement, restrictive covenant, Protective Overlay Certificate and cross-lot access easement will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Documents and Plat be approved; the Resolutions be adopted; the ZON2000-39 Ordinance be placed on first reading; and the necessary signatures be adopted. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, introduced and under the rules laid over. ZON2000-39

RESOLUTION NO. 01-368

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89601 (north of K-42, west of Maize Rd.) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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RESOLUTION NO. 01-369

Resolution of findings of advisability and Resolution authorizing construction of Lateral 472, Southwest Interceptor Sewer (North of K-42, west of Maize Rd.), 468-83301, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SUB2001-00048
(PUD 2000-01)

SUB2001-00048 - PLAT OF EQUESTRIAN ESTATES ADDITION. GENERALLY LOCATED ON THE SOUTHEAST CORNER OF 127TH STREET EAST AND HARRY. (District II)

Agenda Report No. 01-1029.

This site is on the same agenda to be annexed into the City. A zone change (PUD 2000-01) from SF-20, Single-Family Residential to Planned Unit Development has been approved for this site subject to platting. Petitions, all 100%, have been submitted for paving, drainage, sanitary sewer and water improvements. A Certificate of Petitions has also been submitted.

In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. To provide for off-street parking for lots adjacent to narrow streets, a covenant has also been submitted requiring that four (4) off-street spaces be provided for each such lot. A PUD Certificate was provided identifying the approved Planned Unit Development. A temporary street dedication was also provided.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petitions, restrictive covenants, PUD Certificate and temporary street dedication will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Documents and Plat be approved; the Resolutions be adopted; the PUD2000-01 Ordinance be placed on first reading; and the necessary signatures be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-370

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89613 (east of 127th Street East, south of Harry) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-371

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89614, (east of 127th Street East, south of Harry) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-372

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89615, (east of 127th Street East, south of Harry) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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RESOLUTION NO. 01-373

Resolution of findings of advisability and Resolution authorizing construction of Lateral 313, Four Mile Creek Sewer (east of 127th Street East, south of Harry), 468-83317, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-374

Resolution of findings of advisability and Resolution authorizing construction of Lateral 314, Four Mile Creek Sewer (east of 127th Street East, south of Harry) 468-83318, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-375

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 179, (east of 127th Street East, south of Harry) 468-83319, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-376

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 178 (east of 127th Street East, south of Harry), 468-83320, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-377

Resolution of findings of advisability and Resolution authorizing construction of Lateral 315, Four Mile Creek Sewer (east of 127th Street East, south of Harry), 468-83324, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-378

Resolution of findings of advisability and Resolution authorizing improving of pavement in Equestrian Estates on Triple Crown from the north line Stampede to the south line of Harry Street on Buckskin from the east line of Triple Crown to the east line of Triple Crown adjacent to Lots 1 through 18, Block 2, on two Buckskin Courts, one adjacent to Lots 4 through 9, Block 2 and one adjacent to Lots 9 through 17, Block 3, on Triple Crown Court adjacent to Lots 9 through 14, Block 1 and on Stampede from the east line on 127th Street East to the east line of Lot 12, Block 6; a sidewalk to be installed on one side of Stampede; a deceleration lane to be constructed at Harry Street (east of 127th Street East, south of Harry), 472-83424, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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ORDINANCE

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SUB2001-00072

SUB2001-00072 - PLAT OF LEGACY SECOND ADDITION. GENERALLY LOCATED ON THE WEST SIDE OF MERIDIAN, NORTH AND SOUTH OF 44TH STREET SOUTH.
(District IV)

Agenda Report No. 01-1030.

This replat is zoned SF-5, Single-Family Residential.

Petitions, all 100%, have been submitted for paving, sanitary sewer, City water and drainage improvements. A Certificate of Petitions have also been submitted. A restrictive covenant has also been provided that applies the same covenants and restrictions recorded with the Legacy Addition to this replat.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions and restrictive covenant will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Documents and Plat be approved; the Resolutions be adopted; and the necessary signatures be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-379

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89616, (east of 127th Street East, south of Harry), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-380

Resolution of findings of advisability and Resolution authorizing construction of Lateral 474, Southwest Interceptor Sewer (west of Meridian at 44th Street South), 468-83321, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-381

Resolution of findings of advisability and Resolution authorizing improving of Richmond Circle from the south line of 44th Street South to and including the cul-de-sac in Legacy Second Addition; and temporary cul-de-sac on 44th Street South at the west line of Legacy Second Addition (west of Meridian at 44th Street South), 472-83422, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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ZON2000-00043

ZON2000-00043 - ZONE CHANGE FROM "SF-5" SINGLE-FAMILY RESIDENTIAL TO "TF-3" TWO-FAMILY RESIDENTIAL. GENERALLY LOCATED SOUTH OF MAPLE, WEST OF AUBURN HILLS CLUBHOUSE ADDITION. (District V)

Agenda Report No. 01-1031.

ZON2000-00043 was approved by the City Council on November 14, 2000. The action of the City Council was to approve the zone change subject to platting within one year. The ordinance for the zone change was to be forward for first reading when the plat was forwarded for City Council action. Since the ordinance was not forwarded for first reading when the City Council approved the plat on November 14, 2000, the ordinance is being forwarded for first reading at this time.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, introduced and under the rules laid over. Z2000-00043

ZON2001-00044

ZON2001-00044 ZONE CHANGE REQUEST FROM "SF-5" SINGLE-FAMILY TO "NO" NEIGHBORHOOD OFFICE. GENERALLY LOCATED SOUTH OF 21ST STREET NORTH BETWEEN WEBB AND GREENWICH. (District II)

Agenda Report No. 01-1032.

The applicant is requesting "NO" Neighborhood Office on a 7.37-acre unplatted parcel south of 21st Street North, between Webb and Greenwich. The undeveloped property is currently zoned "SF-5" Single Family.

The application area abuts similar, undeveloped, "SF-5" zoned property to the south, east and west. The area to the south of the application area is platted for single-family development, and the property to the west is platted and planned as a church site. A smaller, extended portion of the application area property abuts the county line, and "SF-20" (Single Family) zoned property to the east. To the north of the application area, across 21st Street North, is the Tallgrass East Residential CUP, DP 163. The Tallgrass Residential CUP, zoned "SF-5," maintains a masonry screen wall along 21st Street North. Areas zoned "LC," Limited Commercial, exist at both the 21st Street North and Webb intersection, and the 21st Street North and Greenwich intersection. Approximately 600 feet to the west of the application area is property zoned "B" Multi-family; this property is developed with apartment units.

The proposed zone change, from "SF-5" to "NO," would require platting, and conformance to all property development standards in the Unified Zoning Code.

At the MAPC hearing on August 9, 2001 the applicant spoke in support of the planning staff recommendation for approval of the zone change from SF-5 to NO. The Planning Commission discussed access management issues with the proposed zone change site, leaving the resolution of these issues for the time of platting. The Planning Director also discussed how the proposal did not meet the objective of creating mixed-use centers in which traffic for vehicles could be better handled and the development would be more conducive to pedestrian and public transit usage. No citizens requested to be heard at the hearing. The MACP voted 10-2 to approve, subject to platting within 1 year.

On Monday, August 6, 2000, the District Advisory Board (DAB) for Council District II considered the zone change request. The DAB Members were provided the public notice and MAPD staff comments for review. No citizens other than the applicant's agent requested to be heard at the hearing. The DAB voted 7-0 to approve.

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Motion --

-- carried

Knight moved that reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved; and the Ordinance be forwarded for first reading when the Plat is forwarded to the City Council. Motion carried 7 to 0.

(Agenda Item No. 63)

ZON2001-00045

ZON2001-00045 - REQUEST FOR AN ADDITION TO THE "OT" OLD TOWN OVERLAY DISTRICT TO PERMIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT, CURRENTLY ZONED "LI" LIMITED INDUSTRIAL. GENERALLY LOCATED AT THE SOUTHEAST CORNER OF MEAD AND THIRD STREET. (District VI)

Agenda Report No. 01-1033.

The applicant is requesting "OT-O" Old Town Overlay zoning district designation for property located south of 3rd Street between Meade and Rock Island. If the "OT-O" request is approved, the underlying zoning would remain "LI" Limited Industrial, but would become subject to the design, signage and parking requirements of the "OT-O" district, and would permit residential uses on this property which are not currently permitted by the underlying "LI" zoning. The applicant proposes to re-develop the Case Supply building into 47 apartments.

The existing building is 4 1/2 stories in height with a brick facade that was previously used as a warehouse. The applicant indicates the exterior facade would remain as is except an elevator would be installed on the south side and windows would be replaced with a style that replicates the original windows. The buildings facade blends perfectly with the predominate style of buildings currently found in the Old Town district. Currently, there are loading docks located on the south and west sides of the building with parking areas located next to the docks. Proposed plans call for the basement to be remodeled for parking that would provide for the majority of required on-site parking spaces. On-site residential parking is calculated at 1 space per unit in the "OT-O" district in comparison to the 1.25 to 1.75 ratios normally used, and owners can waive some or all of their parking requirements by paying fees to the City's "parking district".

Currently, the Old Town Overlay District stops at 2nd Street. If approved, this request would represent an "island" of the "OT-O" district within a larger area zoned "LI". However, the Commission and City Council have previously approved an expansion of the district south of Douglas, and there is a concurrent request for the "OT-O" district for property located north of 2nd Street, on Mosley (ZON2001-00043). If approved, that case would be an "island" of "OT" in a larger area of "LI" zoning as well. There is an expectation that there will be additional requests for "OT-O" zoning in the general area thereby alleviating concerns over the spottiness of these initial "OT" requests north of the original Old Town district.

All nearby properties are zoned "LI" Limited Industrial and used for commercial and industrial type uses.

District Advisory Board VI reviewed this request on August 6, 2001, and recommended approval 10-0. No one other than the applicant spoke. DAB members inquired about the anticipated rent rates, size of apartments and if the exterior would be modified. The MAPC heard the case August 9, 2001, and recommended approval (11-1). The lone voter in opposition to the request felt it was inappropriate to locate residential uses in an area that is zoned for industrial uses.

Council Member Fearey

Council Member Fearey questioned whether this might be the appropriate time for Staff to look into resolution of the problem of spot-overlaying to see if the entire Old Town District should be expanded and not piece-mealed.

Marvin Krout

Director of Planning explained that most of the owners are happy with what is currently being done. There are special needs for the Theater District. There has been no opposition from the remainder of property owners in this case. The Planning Department will work with the owners in the area to see if the area can get organized as a group. It is not necessary; however, to defer this Item.

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Motion --

Fearey moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, introduced and under the rules laid over. ZON2000-00045

(Agenda Item No. 64)

PUD2001-00003

PUD2001-00003 - CREATION OF VILLA CHRISTI PLANNED UNIT DEVELOPMENT WITH TWO PARCELS. GENERALLY LOCATED ON THE SOUTH SIDE OF SECOND STREET NORTH BETWEEN ST. PAUL AND SHERIDAN. (District IV)

Agenda Report No. 01-1034.

Mennonite Housing is proposing to develop a two-parcel Planned Unit Development along the south side of 2nd Street North between St. Paul and Sheridan. The proposed project would be 5.21 acres in size and consist of two parcels.

Parcel 1, which is 2.22 acres in size, would be a 62-unit three-story apartment building intended for senior residences over 62 years of age. The building would include assembly space for socialization, dining and meetings, and a wellness center/office. Mennonite Housing intends to provide some assisted living services to the residents. Proposed density would be 28 dwelling units per acre, comparable to the permitted density in the "MF-29" Multi-Family district.

Parcel 2, which is 2.99 acres in size, is proposed for an office/community assembly/training space for a private non-profit agency, Independent Living Resource Center, Inc. ("ILRC"). The applicant has requested general office, community assembly for training seminars, classroom spaces, storage space for donated medical equipment, conference spaces for community agencies, and a library of disability related materials.

One point of access is shown for Parcel 1 onto 2nd Street North and two points are shown for Parcel 2 onto 2nd.

Maximum height on both parcels is requested at 35 feet. With a proposed three-story residential building, the expected height to the mid-point of a pitched roof, where height is measured, could be this height or more. Maximum building coverage is requested at 25 percent for Parcel 1 and 20 percent for Parcel 2. Gross floor for Parcel 2 would be 25 percent. This would permit a total floor area of 32,610 square feet.

Parking needs are estimated to be relatively low for the apartments (Parcel 1) due to the age of the residents. Mennonite Housing estimates 30 percent of the residents would be over 85 years of age. The site design shows 54 parking spaces. This would be 0.87 parking spaces per unit, which is slightly above 0.75 spaces per unit required for assisted living units by the Unified Zoning Code..

Parking needs are also unique for the office site (Parcel 2). A high proportion of the clientele of ILRC are projected to be handicapped. The proposed parking plan shows 111 regular spaces and 56 handicapped spaces. This is an exceptionally high ratio of handicapped spaces.

The setbacks are shown as 35 feet for all setbacks on the office parcel. The apartment parcel has a front setback of 35 feet and side and rear setback of 25 feet. It should be noted that the proposed design concepts show parking spaces within the setbacks.

The surrounding neighborhood is mostly single-story residences with scattered duplexes. However, the subject property is part of a 40-acre tract that was originally Mount Carmel Academy. Much of this

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original 40-acre tract is vacant. The area to the south and west of this proposed P.U.D. is being developed as a single-family development, Woodlake Subdivision. Also, Mennonite Housing built three single-family houses along 2nd several years ago. These houses abut the proposed apartment site. The ARC of Sedgwick County, a similar non-profit agency to the proposed ILRC, adjoins the parcel to the east. Finally, the southern portion of the original Mount Carmel tract is developed with the Mount Carmel Village apartment complex fronting onto Douglas.

At the District IV Advisory Board meeting held August 1, 2001, the DAB voted (6-0) to recommend approval subject to Staff recommendations. The main concern noted was the need to address existing drainage problems in the vicinity.

At the MAPC meeting held August 9, 2001, MAPC voted (11-0) to approve subject to staff's revised conditions.

Motion -- Knight moved that reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions, and the Ordinance be forwarded for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

-- carried

DP-240

DP-240 - REQUEST PLAT EXTENSION FOR FOUNTAIN SQUARE C.U.P. GENERALLY LOCATED NORTH OF K-96 AND WEST OF WEBB ROAD. (District II)

Agenda Report 01-1035.

On March 16, 1999, the City Council approved the creation of the Fountain Square Community Unit Plan (DP-240) subject to the condition of platting the property within on year. The final plat of the property was approved by the MAPC on February 25, 1999; however, the applicant indicated that market conditions beyond the control of the applicant made it impractical to complete the plat. Therefore, staff approved an extension of time to complete platting to May 4, 2001, pursuant to MAPC Policy Statement No. 5. The applicant indicates that market conditions beyond the control of the applicant still make it impractical to complete the plat; therefore, the applicant has requested an additional one year extension of time to complete platting. MAPC Policy Statement No. 5 indicates that second extensions of time to complete platting require City Council approval.

Motion -- Knight moved that a one-year extension of time to complete platting to May 4, 2002, be approved.

-- carried Motion carried 7 to 0.

A01-14

A01-14 – REQUEST TO ANNEX LAND GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 127TH EAST AND HARRY. (District II)

Agenda Report No. 01-1036.

The City has received a request to annex approximately 160 acres situated at the southeast corner of 127th Street East and Harry. The site abuts the City of Wichita to the west. The property owner is planning to develop the site with 158 single-family homes, and the staging of development has been planned over multiple years with 100% of development projected to occur within 4 years.

Land Use and Zoning: The annexation site is presently in agricultural use, including a large horse stable, and zoned "SF-20" Single Family Residential and "LC" Limited Commercial. The County Commission has approved a "PUD" (Planned Unit Development) for this property, subject to platting. Land north, east and south of the site is either vacant or in agricultural use with residential structures and is zoned "SF-20" Single Family Residential or "SF-5" Single Family. Land west is developed with single family housing and zoned "SF-5" Single Family Residential. At the intersection of Harry and 127th Street East, "LC" Limited Commercial Zoning exists. Upon annexation, the "SF-20" Single Family Residential zoning of the subject property will convert to "SF-5" Single Family Residential and

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the "LC" Limited Commercial will remain unchanged. Upon annexation, the applicant will request that the City Council approve the plat and the ordinance establishing the "PUD" District.

The City Public Works Department indicates that an 8" sewer line will likely be extended from the subject property proposed for annexation to an existing 30" Four Mile Creek sewer main located north of Harry (100% cost to the property owner). Water services will most likely be provided by an existing 16" water main along Harry. As a platting requirement, the City is asking the applicant to guarantee the extension of a 16" water supply line along 127th Street. The estimated extension cost is \$225,000 (40% paid by the City).

The property proposed for annexation will have access to 127th Street (2-lane arterial), which serves the area as the nearest major north-south road, and Harry (2-lane arterial), which serves the area as the nearest east-west road. There are no plans to further improve these sections of road in either the 2001-2010 City of Wichita Capital Improvement Plan (C.I.P.) or the 2001-2005 Sedgwick County Capital Improvement Program (C.I.P.)

During the zoning review, staff pointed out that this property lies in the likely path of a future extension of K-96 south of Kellogg, should such a highway be needed in the future. The owner was not willing to adjust his plans for the property or reserve land for this potential right-of-way. The Planning Department hopes to initiate a study soon to determine the need and alignment for this highway extension.

Fire services to this site can be provided most readily, within a five (5) to six (6) minute approximate response time, from County Station #38 located at 1010 North 143rd Street East. However, the City Fire Department indicates that a new fire station will be completed in 2002 or 2003 near Kellogg and 127th Street East, which would provide a shorter response time in the future. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 South Edgemoor.

W.B. Harrison Park, a 40-acre park, is located approximately 2 miles west of the proposed annexation site. However, a future park site located directly north of the proposed annexation site is identified in the Park and Open Space Master Plan.

The property is located in Unified School District 259 (Wichita School District). Annexation will not change the school district.

The property is also located within the Wichita 2010 urban service area, as depicted in the 1999 Update to the Comprehensive Plan, adopted last year by the City Council.

The property proposed for annexation has not yet been platted. The approximate assessed value of the property is \$1,000,000. The future assessed value of this property will depend on the timing of development, the type of development, and the current mill levy. However, the applicant projects an overall appraised value of \$50,600,000 when development is completed, resulting in an assessed value of \$5,819,000. Assuming the current City levy remains about the same (\$31.406/\$1000 x assessed valuation), this would roughly yield \$182,752 in City annual tax revenues.

Motion --
-- carried

Knight moved that the annexation be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A01-14

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AIRPORT AGENDA

Knight moved that the Airport Agenda be approved as consensus Items. Motion carried 7 to 0.

AIRPORT

LEARJET WAY WEST - STREET SIDE PAVEMENT.

Agenda Report No. 01-1037.

On January 9, 2001 City Council approved a project to reconstruct a portion of a street adjacent to Learjet.

A budget increase and a signed agreement with Learjet are necessary to fund the project.

Learjet has signed an agreement to reimburse the Airport Authority for half of the project cost. It is requested that the budget be increased to \$192,000 to cover the entire cost of the project. The increase includes Learjet's obligation, which will be reimbursed to the Airport Authority.

Motion --
-- carried

Knight moved that the budget increase be approved and necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT

TENANT IMPROVEMENTS.

Agenda Report No. 01-1038.

The 2001 Capital Improvements Program (CIP) provides for tenant improvements.

The Federal Aviation Administration has requested that improvements be made on two of their leased buildings located at 1761 and 1801 Airport Road. The project includes mechanical work and replacements of the HVAC equipment.

The project is estimated to cost \$300,000, which will be funded from airport revenues and recovered through rent. If during the study and design phase it is found that additional improvements are needed, the estimated cost will increase and additional funds will be requested.

Motion -- carried

Knight moved that the project be approved. Motion carried 7 to 0.

AIRPORT

MIDWEST CORPORATE AVIATION.

Agenda Report No. 01-1039.

Midwest Corporate Aviation currently leases land on which they have constructed an aircraft storage hangar. The lease agreement is through December 31, 2016. Airport Authority policy requires that subleases be approved by the Wichita Airport Authority.

Midwest Corporate Aviation is requesting that they be allowed to sublease a hangar to Aero Systems Integration, Inc., effective September 1, 2001 through December 31, 2001. The sublease includes renewal options through December 31, 2010; however, includes a provision for cancellation by Midwest Corporate Aviation after July 31, 2004, without cause. Notice of cancellation must be provided in writing, with the cancellation to be effective six months from the date of delivery of the notice. Aero Systems Integration will provide long-term refurbishment and/or integration of aircraft.

There is no financial impact on the Wichita Airport Authority.

Motion --
-- carried

Knight moved that the Sublease Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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AIRPORT

DRUG ENFORCEMENT ADMINISTRATION - ADDENDUM NO. 11.

Agenda Report No. 01-1040.

In 1991, the Wichita Airport Authority entered into an agreement with the Drug Enforcement Administration to participate in the area Drug Enforcement Task Force by providing one Airport Officer. The WAA pays the salary of the one officer, and the DEA supervises the officer and pays overtime and gasoline expenses.

The WAA's participation in this effort has been very beneficial to the community and its drug enforcement efforts. This addendum extends the agreement for one year, commencing October 1, 2001, and terminating on September 30, 2002.

The salary of one Safety Officer is paid by the WAA, with up to \$9,461 in overtime paid by the DEA.

Motion --
-- carried

Knight moved that the Agreement Addendum be approved and the necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT

GRANT OFFERS.

Agenda Report No. 01-1041.

On April 17, 2001 the City Council approved a grant application for the study, design, and construction of Taxilane "AAA. A grant application for the rehabilitation of the South Cargo Apron and related projects was also approved.

The Federal Aviation Administration has made grant offers for Phase II construction of Taxilane "AAA" and for the rehabilitation of the South Cargo Apron and related projects.

The grant offer for Taxilane "AAA" is for \$450,000. The matching funds will be applied for through the Passenger Facility Charge Program. The grant offer for the rehabilitation of the South Cargo Apron and related projects is \$1,061,940, and the matching funds will be applied for through the Passenger Facility Charge Program.

The Law Department will certify that the sponsor's acceptance of the grant offers complies with state and local laws after the date of execution.

Motion --
-- carried

Knight moved that the Grant Offers be accepted and the necessary signatures be authorized. Motion carried 7 to 0.

EXECUTIVE SESSION

Motion --

Knight moved that the Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney/client relationship relating to potential litigation, legal advice, and contract negotiations; and return to regular session no later than 11:05 a.m.

RECESS

The City Council recessed at 10:30 a.m. and returned at 10:55 a.m.

Mayor Knight

Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT

The City Council meeting adjourned at 10:55 a.m.

Pat Burnett CMC
City Clerk